

Appendix 1. Current Marine Protected Area Laws and Regulations

FISH AND GAME CODE

200. There is hereby delegated to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles to the extent and in the manner prescribed in this article.

No power is delegated to the commission by this article to regulate the taking, possessing, processing, or use of fish, amphibia, kelp, or other aquatic plants for commercial purposes, and no provision of this code relating or applying thereto, nor any regulation of the commission made pursuant to such provision, shall be affected by this article or any regulation made under this article.

205. Any regulation of the commission pursuant to this article which relates to fish, amphibia, and reptiles, may apply to all or any areas, districts, or portion thereof, at the discretion of the commission, and may do any or all of the following as to any or all species or subspecies:

(a) Establish, extend, shorten, or abolish open seasons and closed seasons.

(b) Establish, change, or abolish bag limits, possession limits, and size limits.

(c) Establish and change areas or territorial limits for their taking.

(d) Prescribe the manner and the means of taking.

1590. The commission may designate, delete, or modify state marine (estuarine) recreational management areas established by the commission for hunting purposes, state marine (estuarine) reserves , and state marine (estuarine) conservation areas, as delineated in subdivision (a) of Section 36725 of the Public Resources Code. The commission shall consult with, and secure concurrence from, the State Park and Recreation Commission prior to modifying or deleting marine (estuarine) reserves and marine (estuarine) conservation areas designated by the State Park and Recreation Commission. The commission shall not delete or modify state marine (estuarine) recreational management areas designated by the State Park and Recreation Commission.

1591. (a) The Marine Managed Areas Improvement Act (Chapter 7 (commencing with Section 36600) of Division 27 of the Public

Resources Code) establishes a uniform classification system for state marine managed areas and is incorporated herein by reference. Any proposals for marine protected areas made after January 1, 2002, shall follow the guidelines set forth in that act. Pursuant to Section 36750 of the Public Resources Code, all marine protected areas in existence and not reclassified in accordance with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3) on January 1, 2002, shall be reclassified by the State Interagency Coordinating Committee established pursuant to Section 36800 of the Public Resources Code into one of the following classifications:

- (1) State marine (estuarine) reserve.
- (2) State marine (estuarine) park.
- (3) State marine (estuarine) conservation area.
- (b) State marine (estuarine) recreational management areas established by the commission for hunting purposes, state marine (estuarine) reserves, and state marine (estuarine) conservation areas shall be designated, deleted, or modified by the commission pursuant to that act. The restrictions and allowable uses applicable to those areas are as set forth in that act.

2850. This chapter shall be known and may be cited as the Marine Life Protection Act.

2851. The Legislature finds and declares all of the following:

(a) California's marine protected areas (MPAs) were established on a piecemeal basis rather than according to a coherent plan and sound scientific guidelines. Many of these MPAs lack clearly defined purposes, effective management measures and enforcement. As a result, the array of MPAs creates the illusion of protection while falling far short of its potential to protect and conserve living marine life and habitat.

(b) California's extraordinary marine biological diversity is a vital asset to the state and nation. The diversity of species and ecosystems found in the state's ocean waters is important to public health and well-being, ecological health, and ocean-dependent industry.

(c) Coastal development, water pollution, and other human activities threaten the health of marine habitat and the biological diversity found in California's ocean waters. New technologies and demands have encouraged the expansion of fishing and other activities to formerly inaccessible marine areas that once recharged nearby fisheries. As a result, ecosystems throughout the state's ocean waters are being altered, often at a rapid rate.

(d) Fish and other sea life are a sustainable resource, and fishing is an important community asset. MPAs and sound fishery management are complementary components of a comprehensive effort to sustain marine habitats and fisheries.

(e) Understanding of the impacts of human activities and the processes required to sustain the abundance and diversity of marine life is limited. The designation of certain areas as sea life reserves can help expand our knowledge by providing baseline information and improving our understanding of ecosystems where minimal disturbance occurs.

(f) Marine life reserves are an essential element of an MPA system because they protect habitat and ecosystems, conserve biological diversity, provide a sanctuary for fish and other sea life, enhance recreational and educational opportunities, provide a reference point against which scientists can measure changes elsewhere in the marine environment, and may help rebuild depleted fisheries.

(g) Despite the demonstrated value of marine life reserves, only 14 of the 220,000 square miles of combined state and federal ocean water off California, or six-thousandths of 1 percent, are set aside as genuine no take areas.

(h) For all of the above reasons, it is necessary to modify the existing collection of MPAs to ensure that they are designed and managed according to clear, conservation-based goals and guidelines that take full advantage of the multiple benefits that can be derived from the establishment of marine life reserves.

2852. The following definitions govern the construction of this chapter:

(a) "Adaptive management," with regard to marine protected areas, means a management policy that seeks to improve management of biological resources, particularly in areas of scientific uncertainty, by viewing program actions as tools for learning. Actions shall be designed so that, even if they fail, they will provide useful information for future actions, and monitoring and evaluation shall be emphasized so that the interaction of different elements within marine systems may be better understood.

(b) "Biogeographical regions" refers to the following oceanic or near shore areas, seaward from the mean high tide line or the mouth of coastal rivers, with distinctive biological characteristics, unless the master plan team establishes an alternative set of boundaries:

- (1) The area extending south from Point Conception.
 - (2) The area between Point Conception and Point Arena.
 - (3) The area extending north from Point Arena.
- (c) "Marine protected area" (MPA) means a named, discrete

geographic marine or estuarine area seaward of the mean high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law, administrative action, or voter initiative to protect or conserve marine life and habitat. An MPA includes marine life reserves and other areas that allow for specified commercial and recreational activities, including fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided that these activities are consistent with the objectives of the area and the goals and guidelines of this chapter. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs), which are broader groups of named, discrete geographic areas along the coast that protect, conserve, or otherwise manage a variety of resources and uses, including living marine resources, cultural and historical resources, and recreational opportunities.

(d) "Marine life reserve," for the purposes of this chapter, means a marine protected area in which all extractive activities, including the taking of marine species, and, at the discretion of the commission and within the authority of the commission, other activities that upset the natural ecological functions of the area, are prohibited. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state.

2853. (a) The Legislature finds and declares that there is a need to reexamine and redesign California's MPA system to increase its coherence and its effectiveness at protecting the state's marine life, habitat, and ecosystems.

(b) To improve the design and management of that system, the commission, pursuant to Section 2859, shall adopt a Marine Life Protection Program, which shall have all of the following goals:

(1) To protect the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems.

(2) To help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those that are depleted.

(3) To improve recreational, educational, and study opportunities provided by marine ecosystems that are subject to minimal human disturbance, and to manage these uses in a manner consistent with protecting biodiversity.

(4) To protect marine natural heritage, including protection of representative and unique marine life habitats in California waters

for their intrinsic value.

(5) To ensure that California's MPAs have clearly defined objectives, effective management measures, and adequate enforcement, and are based on sound scientific guidelines.

(6) To ensure that the state's MPAs are designed and managed, to the extent possible, as a network.

(c) The program may include areas with various levels of protection, and shall include all of the following elements:

(1) An improved marine life reserve component consistent with the guidelines in subdivision (c) of Section 2857.

(2) Specific identified objectives, and management and enforcement measures, for all MPAs in the system.

(3) Provisions for monitoring, research, and evaluation at selected sites to facilitate adaptive management of MPAs and ensure that the system meets the goals stated in this chapter.

(4) Provisions for educating the public about MPAs, and for administering and enforcing MPAs in a manner that encourages public participation.

(5) A process for the establishment, modification, or abolishment of existing MPAs or new MPAs established pursuant to this program, that involves interested parties, consistent with paragraph (7) of subdivision (b) of Section 7050, and that facilitates the designation of MPAs consistent with the master plan adopted pursuant to Section 2855.

2854. Notwithstanding Section 7550.5 of the Government Code, the State Interagency Marine Managed Areas Workgroup established by the Resources Agency shall submit its final report to the Legislature and the commission by January 15, 2000. The workgroup shall, after appropriate consultation with members of the public, determine future actions for implementing the recommendations of its final report.

2855. (a) The commission shall adopt a master plan that guides the adoption and implementation of the Marine Life Protection Program adopted pursuant to Section 2853 and decisions regarding the siting of new MPAs and major modifications of existing MPAs. The plan shall be based on the best readily available science.

(b) (1) The department shall prepare, or by contract shall cause to be prepared, a master plan in accordance with this subdivision. In order to take full advantage of scientific expertise on MPAs, the department shall convene a master plan team to advise and assist in the preparation of the master plan, or hire a contractor with relevant expertise to assist in convening such a team.

(2) The team members convened pursuant to this subdivision shall have expertise in marine life protection and shall be knowledgeable

about the use of protected areas as a marine ecosystem management tool. The members shall also be familiar with underwater ecosystems found in California waters, with the biology and habitat requirements of major species groups in the state's marine waters, and with water quality and related issues.

(3) The team shall be composed of the following individuals:

(A) Staff from the department, the Department of Parks and Recreation, and the State Water Resources Control Board, to be designated by each of those departments.

(B) Five to seven members who shall be scientists, one of whom may have expertise in the economics and culture of California coastal communities.

(C) One member, appointed from a list prepared by Sea Grant marine advisers, who shall have direct expertise with ocean habitat and sea life in California marine waters.

(4) The master plan shall be prepared with the advice, assistance, and involvement of participants in the various fisheries and their representatives, marine conservationists, marine scientists, and other interested persons. In preparing the master plan, the department shall confer, to the extent feasible, with the commission, the Pacific Fishery Management Council, the National Marine Fisheries Service, the United States Navy, the United States Geological Survey's national biological survey, staff from national marine sanctuaries off California, Sea Grant researchers, marine advisers, and national parks personnel.

(5) The department may engage other experts to contribute to the master plan, including scientists, geographic information system (GIS) experts, and commercial and recreational fishermen, divers, and other individuals knowledgeable about the state's underwater ecosystems, the history of fishing effort or MPA management, or other relevant subjects.

(c) The department and team, in carrying out this chapter, shall take into account relevant information from local communities, and shall solicit comments and advice for the master plan from interested parties on issues including, but not necessarily limited to, each of the following:

(1) Practical information on the marine environment and the relevant history of fishing and other resources use, areas where fishing is currently prohibited, and water pollution in the state's coastal waters.

(2) Socioeconomic and environmental impacts of various alternatives.

(3) Design of monitoring and evaluation activities.

(4) Methods to encourage public participation in the stewardship of the state's MPAs.

2856. (a) (1) The department and team shall use the best readily available scientific information in preparing the master plan adopted pursuant to Section 2855, and shall organize the location-specific contents, where feasible, by biogeographical region. In preparing the plan, the department and team shall use and build upon the findings of the Sea Grant survey of protected areas in California waters, which is entitled "California's Marine Protected Areas," the report of the State Interagency Marine Managed Areas Workgroup, the Department of Parks and Recreation's planning information and documents regarding existing and potential underwater parks and reserves, maps and other information from the department's marine nearshore ecosystem mapping project, and other relevant planning and scientific materials.

(2) The master plan shall include all of the following components:

(A) Recommendations for the extent and types of habitat that should be represented in the MPA system and in marine life reserves. Habitat types described on maps shall include, to the extent possible using existing information, rocky reefs, intertidal zones, sandy or soft ocean bottoms, underwater pinnacles, sea mounts, kelp forests, submarine canyons, and seagrass beds.

(B) An identification of select species or groups of species likely to benefit from MPAs, and the extent of their marine habitat, with special attention to marine breeding and spawning grounds, and available information on oceanographic features, such as current patterns, upwelling zones, and other factors that significantly affect the distribution of those fish or shellfish and their larvae.

(C) Recommendations to augment or modify the guidelines in subdivision (c) of Section 2857, if necessary to ensure that the guidelines reflect the most up-to-date science, including, for example, recommendations regarding the minimum size of individual marine life reserves needed to accomplish the various goals set forth in Section 2853.

(D) Recommended alternative networks of MPAs, including marine life reserves in each biogeographical region that are capable of achieving the goals in Section 2853 and designed according to the guidelines in subdivision (c) of Section 2857.

(E) A simplified classification system, which shall be consistent with the goals of Section 2853 and the guidelines in subdivision (c) of Section 2857, and which may include protections for specific habitats or species, if no system that meets these specifications has already been developed.

(F) Recommendations for a preferred siting alternative for a network of MPAs that is consistent with the goals in Section 2853 and

the guidelines in subdivision (c) of Section 2857.

(G) An analysis of the state's current MPAs, based on the preferred siting alternative, and recommendations as to whether any specific MPAs should be consolidated, expanded, abolished, reclassified, or managed differently so that, taken as a group, the MPAs best achieve the goals of Section 2853 and conform to the guidelines in subdivision (c) of Section 2857.

(H) Recommendations for monitoring, research, and evaluation in selected areas of the preferred alternative, including existing and long-established MPAs, to assist in adaptive management of the MPA network, taking into account existing and planned research and evaluation efforts.

(I) Recommendations for management and enforcement measures for the preferred alternative that apply systemwide or to specific types of sites and that would achieve the goals of this chapter.

(J) Recommendations for improving the effectiveness of enforcement practices, including, to the extent practicable, the increased use of advanced technology surveillance systems.

(K) Recommendations for funding sources to ensure all MPA management activities are carried out and the Marine Life Protection Program is implemented.

(b) The team shall, as necessary, identify and define additional appropriate components of the master plan as soon as possible after enactment of this section.

2857. (a) On or before July 1, 2001, the department shall convene, in each biogeographical region and to the extent practicable near major working harbors, siting workshops, composed of interested parties, to review the alternatives for MPA networks and to provide advice on a preferred siting alternative. The department and team shall develop a preferred siting alternative that incorporates information and views provided by people who live in the area and other interested parties, including economic information, to the extent possible while maintaining consistency with the goals of Section 2853 and guidelines in subdivision (c) of this section.

(b) The preferred alternative may include MPAs that will achieve either or both of the following objectives:

(1) Protection of habitat by prohibiting potentially damaging fishing practices or other activities that upset the natural ecological functions of the area.

(2) Enhancement of a particular species or group of species, by prohibiting or restricting fishing for that species or group within the MPA boundary.

(c) The preferred siting alternative shall include MPA networks with an improved marine life reserve component, and shall be designed

according to each of the following guidelines:

- (1) Each MPA shall have identified goals and objectives. Individual MPAs may serve varied primary purposes while collectively achieving the overall goals and guidelines of this chapter.
- (2) Marine life reserves in each bioregion shall encompass a representative variety of marine habitat types and communities, across a range of depths and environmental conditions.
- (3) Similar types of marine habitats and communities shall be replicated, to the extent possible, in more than one marine life reserve in each biogeographical region.
- (4) Marine life reserves shall be designed, to the extent practicable, to ensure that activities that upset the natural ecological functions of the area are avoided.
- (5) The MPA network and individual MPAs shall be of adequate size, number, type of protection, and location to ensure that each MPA meets its objectives and that the network as a whole meets the goals and guidelines of this chapter.
- (d) The department and team, in developing the preferred siting alternative, shall take into account the existence and location of commercial kelp beds.
- (e) The department and team may provide recommendations for phasing in the new MPAs in the preferred siting alternative.

2858. The department shall establish a process for external peer review of the scientific basis for the master plan prepared pursuant to Section 2855. The peer review process may be based, to the extent practicable, on the peer review process described in Section 7062.

2859. (a) On or before January 1, 2003 **2005**, the department shall submit to the commission a draft of the master plan prepared pursuant to this chapter.

(b) On or before April 1, 2003 **2005**, after public review, not less than three public meetings, and appropriate modifications of the draft plan, the department shall submit a proposed final master plan to the commission. On or before December 1, 2003 **2005**, the commission shall adopt a final master plan and a Marine Life Protection Program with regulations based on the plan and shall implement the program, to the extent funds are available. The commission's adoption of the plan and a program based on the plan shall not trigger an additional review under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) The commission shall hold at least two public hearings on the master plan and the Marine Life Protection Program prior to adopting the plan and program. The commission may adopt the plan and the program immediately following the second public hearing or at any

duly noticed subsequent meeting.

(d) Upon the commission's adoption of the program, the commission shall submit the master plan and program description, including marine life reserve and other MPA designations, to the Joint Committee on Fisheries and Aquaculture for review and comment. Upon receipt of the plan, the joint committee shall have 60 days to review the plan and to submit written recommendations to the commission regarding the plan and program. The joint committee shall only submit a recommendation to the commission if a majority of the members agree to that recommendation. The commission shall consider all recommendations submitted by the joint committee, and may amend the program to incorporate the recommendations. If the commission does not incorporate any recommendations submitted by the joint committee, the commission shall set forth, in writing, its reasons for not incorporating that recommendation.

2860. (a) The commission may regulate commercial and recreational fishing and any other taking of marine species in MPAs.

(b) Notwithstanding any other provision of this code, the taking of a marine species in a marine life reserve is prohibited for any purpose, including recreational and commercial fishing, except that the commission may authorize the taking of a marine species for scientific purposes, consistent with the purposes of this chapter, under a scientific collecting permit issued by the department.

2861. (a) The commission shall, annually until the master plan is adopted and thereafter at least every three years, receive, consider, and promptly act upon petitions from any interested party, to add, delete, or modify MPAs, favoring those petitions that are compatible with the goals and guidelines of this chapter.

(b) Prior to the adoption of a new MPA or the modification of an existing MPA that would make inoperative a statute, the commission shall provide a copy of the proposed MPA to the Legislature for review by the Joint Committee on Fisheries and Aquaculture or, if there is no such committee, to the appropriate policy committee in each house of the Legislature.

(c) Nothing in this chapter restricts any existing authority of the department or the commission to make changes to improve the management or design of existing MPAs or designate new MPAs prior to the completion of the master plan. The commission may abbreviate the master plan process to account for equivalent activities that have taken place before enactment of this chapter, providing that those activities are consistent with this chapter.

2862. The department, in evaluating proposed projects with potential adverse impacts on marine life and habitat in MPAs, shall highlight those impacts in its analysis and comments related to the project and shall recommend measures to avoid or fully mitigate any impacts that are inconsistent with the goals and guidelines of this chapter or the objectives of the MPA.

2863. The department shall confer as necessary with the United States Navy regarding issues related to its activities.

10500. Except under a permit or specific authorization, it is unlawful:

(a) To take or possess any bird or mammal, or part thereof, in any game refuge.

(b) To use or have in possession in a game refuge, any firearm, bow and arrow, or any trap or other contrivance designed to be, or capable of being, used to take birds or mammals, or to discharge any firearm or to release any arrow into any game refuge.

(c) To take or possess any species of fish or amphibia, or part thereof, in any fish refuge, or to use or have in possession in such refuge any contrivance designed to be used for catching fish.

(d) To take or possess any bird in, or to discharge any firearm or to release any arrow within or into, any fowl refuge.

(e) To take or possess any quail in a quail refuge.

(f) To take or possess any invertebrate or specimen of marine plant life in a marine life refuge.

(g) To take or possess any clam in a clam refuge or to possess in such a refuge any instrument or apparatus capable of being used to dig clams.

10501. Before the commission opens any game refuge for the taking of deer, a public hearing shall be held at which at least one member of the commission shall be in attendance and such officers and employees of the department as are deemed necessary or are requested by interested parties, notice of which has been published at least once and at least 30 days prior to the hearing in a newspaper of general circulation which is printed and published in the county, or one of the counties, in which the area lies. If there is no newspaper of general circulation in any such county, the notice shall be published in such newspaper of general circulation as the commission determines will be most likely to give notice to the inhabitants of the area and such determination by the commission shall be final and conclusive.

10501.5. (a) It is unlawful to fly any aircraft, including any airplane or helicopter, less than 3,000 feet above water or land over the Sespe Condor Sanctuary, and less than 1,000 feet above water or land over the Anacapa, San Miguel, Santa Barbara, and San Nicolas Islands, except for rescue operations, in case of any emergency, or for scientific or filmmaking purposes under a permit issued by the department after a review of potential biological impacts.

(b) This section does not apply to the landing of any aircraft, including any airplane or helicopter, on Anacapa, San Miguel, Santa Barbara, San Nicolas, and Farallon Islands for administrative or operational purposes of the National Park Service, the United States Navy, or the United States Coast Guard.

10502. The commission may:

(a) Exercise control over all mammals and birds in any game refuge, and exercise control over all fish in any fish refuge.

(b) Authorize the department to issue, under such restrictions as it may deem best, permits which authorize the person named therein to carry, use, and possess within any refuge, firearms, traps or other contrivances for taking birds, mammals, fish, or amphibia.

(c) Except as provided in Sections 10502.5, 10502.8, 10655, and 10657, authorize the department to issue permits which shall authorize the person named therein to take birds, mammals, fish, and amphibia within any refuge.

(d) Make additional regulations not in conflict with any law for the protection of birds, mammals, fish, amphibia, and marine life within any refuge.

10502.5. The director may appoint the Director of the Hopkins Marine Life Refuge. The Director of the Hopkins Marine Life Refuge may issue a permit to any person under which the person may enter the Hopkins Marine Life Refuge for the purpose of taking fish or marine plants under the conditions that the department determines necessary for the protection and propagation of fish and wildlife and related scientific purposes in that refuge.

10502.6. (a) The director may appoint a Director of the Dana Point Marine Life Refuge.

(b) Except as otherwise provided in this section, no state funds, including, but not limited to, the Fish and Game Preservation Fund, shall be used to pay the compensation or expenses of the Director of the Dana Point Marine Life Refuge. A city, county, or special district may use any funds, including state funds appropriated to the

city, county, or special district, to pay the compensation and expenses of the director and a public postsecondary educational institution may use private or state funds to pay the compensation and expenses of the director.

(c) The Director of the Dana Point Marine Life Refuge may issue a permit authorizing any person to enter the Dana Point Marine Life Refuge for the purpose of taking fish or marine plants under the conditions that the department determines to be necessary for the protection and propagation of fish and wildlife and related scientific purposes in that refuge.

(d) The Director of the Dana Point Marine Life Refuge shall erect and maintain signs identifying the boundaries of the Dana Point Marine Life Refuge. The signs shall contain notification regarding the permit requirements of the refuge. The signs shall specify that an access permit shall be obtained from the Director of the Dana Point Marine Life Refuge and a scientific collector's permit from the department in order to take any fish or specimen of marine plant life.

10502.7. (a) The director may appoint the Director of the Bodega Marine Life Refuge.

(b) The Director of the Bodega Marine Life Refuge may authorize any person to enter the Bodega Marine Life Refuge for the purpose of taking fish, invertebrates, or marine plants for scientific study and to take or possess fish, invertebrates, or marine plants for scientific study.

(c) The Director of the Bodega Marine Life Refuge may authorize any person to anchor a vessel in the Bodega Marine Life Refuge for the purpose of scientific study.

10502.8. (a) The director may appoint the Director of the Catalina Marine Science Center Marine Life Refuge.

(b) The Director of the Catalina Marine Science Center Marine Life Refuge may authorize any person to enter the Catalina Marine Science Center Marine Life Refuge for the purpose of taking fish or marine plants under the conditions that the department determines necessary for the protection and propagation of fish and wildlife and related scientific purposes in that refuge.

(c) The Director of the Catalina Marine Science Center Marine Life Refuge, upon recommendation of the Director of the Catalina Marine Science Center, may authorize any person involved in oceanographic and scientific research in and around Santa Catalina Island to anchor or moor a vessel in the Catalina Marine Science Center Marine Life Refuge.

10503. For the purposes of propagating, feeding, and protecting birds, mammals, fish, and amphibia the commission may do all of the following:

(a) Accept, on behalf of the state, donations of any interest in lands within any refuge.

(b) Accept, on behalf of the state, from any person owning and in possession of patented lands, except lands that are covered and uncovered by the ordinary daily tide of the Pacific Ocean, the right to preserve and protect all birds, mammals, fish, and amphibia on the patented lands.

(c) Accept, on behalf of the state, donations of birds, mammals, fish, and amphibia, and of money given or appropriated. Those donations shall be used for the purposes for which they are accepted, and, as nearly as may be, for any purpose indicated by the donor.

(d) Acquire, by purchase, lease, rental, or otherwise, and occupy, develop, maintain, use, and administer land, or land and nonmarine water, or land and nonmarine water rights, suitable for state game farms or game refuges.

10504. Any property acquired for game refuges shall be acquired in the name of the State, and shall, at all times, be subject to such regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection, and administration of such property as game refuges.

10505. The department shall do all things necessary to secure a valid title in the State to the property acquired for game refuges, but no payment shall be made therefor until the title is satisfactory to the Attorney General and is vested in the State. The acquisition of the property by the State is not prohibited by reason of rights of way, easements, or reservations, which, from their nature, in the opinion of the department, will in no manner interfere with the use of the property for the purpose for which it is acquired.

10506. Nothing in this code prohibits the possession of firearms or bows and arrows by persons when traveling through any game refuges when the firearms are taken apart or encased and unloaded and the bows are unstrung. When the traveling is done on a route other than a public highway or other public thoroughfare or right of way, notice shall be given to the department at least twenty-four (24) hours before such traveling. The notice shall give the name and address of the person intending to travel through the refuge, the name of the refuge, the approximate route, and the approximate time when such person intends to travel through the refuge.

10507. It is lawful for any person who has given the notice provided for in Section 10506 to transport any bird or mammal, or part thereof, through a game refuge, if lawfully taken outside the refuge, and if the bird or mammal or part thereof is carried openly and during the time between one hour before sunrise and one hour after sunset.

10508. The department and the district attorney, sheriff, and all peace officers of the county in which any refuge or part thereof is situated, shall enforce all of the provisions of this code relating to such refuge, and institute and assist in prosecutions for violations thereof.

10509. Any refuge designated as a "fish and game refuge" shall be considered, for the purposes of this division, as both a game refuge and a fish refuge.

10510. No specification of an open season in any area authorizes the taking of any bird, mammal, fish or amphibia from any refuge within that area from which the taking is elsewhere in this code prohibited.

10511. Except as they may conflict with refuge provisions, the provisions of this code relating to a particular fish and game district shall apply to each refuge lying wholly, or in major part, within the boundaries of the district.

10512. The department shall cause to be prepared suitable notices to be posted under its direction on each state game refuge, containing a warning to all persons to refrain for the period named therein from violations of the provisions of this chapter relating to state game refuges.

10513. Nothing in this chapter shall be construed as prohibiting or preventing any person from taking birds, mammals, fish, or amphibia from or on navigable water in any state game refuge.

10514. All state game refuges shall, for all purposes of protecting birds, mammals, fish, or amphibia thereon, be under the control and management of the department, and the officers and employees of the department and all game wardens may at all times enter in and upon such refuges in the performance of their duties.

10650. In Mt. Tamalpais Game Refuge, the lawful occupant of privately owned land, or the employees of such occupant, may take on

such lands, predatory, or destructive birds and mammals which are not protected or fostered by any of the laws of this State, and are not required to obtain permits for such taking.

10651. In the Mt. Tamalpais Game Refuge firearms may be possessed and used by members of any high school militia while on the grounds of the high school at which time they may be enrolled.

10652. In the Mt. Tamalpais Game Refuge, no threatened, endangered, or fully-protected birds or mammals may be taken under any permit issued by the department.

Except for wild pigs, it is unlawful to take any bird or mammal under a permit issued by the department unless the person possessing the permit is accompanied by a member of the commission, a deputy of the department, or a sheriff or deputy sheriff of Marin County.

10653. In the San Francisco Game Refuge, birds, mammals, fish, and amphibia legally possessed may be carried openly by persons traveling through the refuge on public roads, between one-half hour before sunrise and one-half hour after sunset.

10654. Nothing in this division prevents the full use of the land included in the San Francisco Game Refuge for water supply purposes, nor prohibits any authorized employee of the San Francisco water department from carrying out such reasonable measures as may be necessary for the protection of the water supply or the prevention of pollution of the streams or reservoirs.

10655. (a) A person involved in oceanographic and scientific research in and around Santa Catalina Island may be authorized by the Director of the Catalina Marine Science Center Marine Life Refuge to enter the Catalina Marine Science Center Marine Life Refuge and to anchor or moor a vessel therein.

(b) The Director of the Catalina Marine Science Center Marine Life Refuge, or any person that the Director of the Catalina Marine Science Center Marine Life Refuge has authorized under Section 10502.8, may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department under Section 10502.8.

10655.5. (a) Except as expressly provided in this division, it is unlawful to enter the Catalina Marine Science Center Marine Life Refuge for the purpose of taking or possessing any fish or marine plants or to take or possess any fish or marine plants in the

Catalina Marine Science Center Marine Life Refuge.

(b) Except as permitted by federal law or emergency caused by hazardous weather, it is unlawful to anchor or moor a vessel in the Catalina Marine Science Center Marine Life Refuge without authorization by the Director of the Catalina Marine Science Center Marine Life Refuge pursuant to Section 10502.8.

(c) Section 10655 and this section do not prohibit or restrict navigation in the Catalina Marine Science Center Marine Life Refuge pursuant to federal law.

10656. (a) Except as expressly provided in this division, it is unlawful to enter the Bodega Marine Life Refuge for the purpose of taking or possessing any fish, marine invertebrate, or marine plant, or to take or possess any fish, marine invertebrate, or marine plant in the Bodega Marine Life Refuge.

(b) Except as permitted by federal law or emergency caused by hazardous weather, it is unlawful to anchor or moor a vessel in the Bodega Marine Life Refuge without authorization by the Director of the Bodega Marine Life Refuge pursuant to Section 10502.7.

(c) This section does not prohibit or restrict navigation in the Bodega Marine Life Refuge pursuant to federal law.

10657. (a) A person may be permitted by the Director of the Hopkins Marine Life Refuge to enter the Hopkins Marine Life Refuge under a permit.

(b) The Director of the Hopkins Marine Life Refuge, or any person to whom the Director of the Hopkins Marine Life Refuge has issued a permit under Section 10502.5, may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department under Section 10502.5.

10657.5. Except as expressly provided in this division, it is unlawful to enter the Hopkins Marine Life Refuge for the purpose of taking or possessing any fish or marine plants or to take or possess any fish or marine plants in the Hopkins Marine Life Refuge.

Section 10657 and this section do not prohibit or restrict navigation in the Hopkins Marine Life Refuge pursuant to federal law.

10658. In the San Diego Marine Life Refuge, licensees of the Regents of the University of California and all officers, employees, and students of such university may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the department.

10659. In the California Sea Otter Game Refuge, the lawful occupant of privately owned land, or the employees of such occupant, may possess firearms and traps and may take on such lands any nonprotected bird or mammal, and no permit is required for such taking.

10660. (a) In the Pacific Grove Marine Gardens Fish Refuge, fish, other than mollusks and crustaceans, may be taken under the authority of a sport fishing license as authorized by this code.

(b) Notwithstanding any other provision of this section, holders of scientific collectors' permits issued by the commission, or students working under their direction, may take marine life for scientific purposes in this refuge.

(c) In this refuge, sardines, mackerel, anchovies, squid and herring may be taken by ring net, lampara net or bait net as authorized by this code.

10661. In the Bodega Marine Life Refuge, licensees of the Regents of the University of California and all officers, employees, and students of such university may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the department.

10662. Notwithstanding any other provision in this code, it shall be unlawful for any person to fire a firearm, but it shall not be unlawful to possess a firearm in the following areas:

All of T. 5 S., R. 5 E., except Sections 1, 2, 11, 12, and 13, of Fish and Game District 4D.

10663. In Fish and Game Refuge 4-D the lawful occupant of privately owned lands or the employees of such occupants may possess firearms without a permit.

10664. In the Laguna Beach, Newport Beach, Point Fermin, South Laguna Beach, Niguel, Irvine Coast, and Doheny Beach Marine Life Refuges, the following fish, mollusks, and crustaceans may be taken under the authority of a sportfishing license as authorized by this code: abalone, lobster, rockfish (Scorpaenidae), greenling, ling cod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab. Fin fish shall be taken only by hook and line or by spearfishing gear. All other fish and forms of aquatic life

are protected and may not be taken without a written permit from the department.

10665. Notwithstanding any provision of law to the contrary, in the Johnsville Game Refuge it shall be unlawful for any person to discharge a firearm or other device capable of killing or injuring any animal. However, it shall not be unlawful for the lawful occupants of privately owned lands or the employees of such occupants to possess firearms or other devices capable of killing or injuring an animal without a permit.

Birds and animals lawfully taken and possessed outside of the boundaries of the Johnsville Game Refuge may be possessed within the refuge.

10666. In the James V. Fitzgerald Marine Reserve, the following fish and mollusks may be taken under the authority of a sport fishing license as authorized by this code: abalone, rockfish (Sebastes), lingcod, surfperch (Embiotocidae), monkeyface eel, rock eel, white croaker, halibut, cabezon (*Scorpaenichthys marmoratus*), kelp greenling (*Hexagrammos decagrammus*), and smelt (*Osmeridae* and *Antherinidae*). No such fish having fins may be taken except by hook and line or by spearfishing. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department.

10667. (a) In the Dana Point Marine Life Refuge below the intertidal zone, the following fish, mollusks, and crustaceans may be taken under the authority of a sportfishing license as authorized by this code: abalone, lobster, rockfish (*Scorpaenidae*), greenling, ling cod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (*Embiotocidae*), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab. Fin fish shall be taken only by hook and line or by spearfishing gear. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department.

(b) Except as expressly provided in this section, it is unlawful to enter the intertidal zone in the Dana Point Marine Life Refuge for the purpose of taking or possessing, or to take or possess, any species of fish, plant, or invertebrate, or part thereof, to use or have in possession any contrivance designed to be used for catching fish, to disturb any native plant, fish, wildlife, aquatic organism, or to take or disturb any natural geological feature. This

subdivision does not prohibit persons from entering the intertidal zone for the purpose of entertainment, recreation, and education while having a minimum impact on the intertidal environment and the living organisms therein. For this purpose, minimum impact includes foot traffic, general observation of organisms in their environment with immediate replacement of any unattached organisms to their natural location after temporary lifting for examination, and photography. Minimum impact does not include removal of attached organisms from their environment, gathering of fishing bait, littering, collecting rocks and shells, or turning rocks or other acts destructive to the environment.

(c) For the purposes of this section, "intertidal zone" means the area of the refuge between the mean lower low-water mark and the mean high-tide line described in Section 10907.

(d) Notwithstanding subdivision (a) or (b), the Director of the Dana Point Marine Life Refuge, or any person, who has a scientific collector's permit from the department, to whom the Director of the Dana Point Marine Life Refuge has issued a permit pursuant to Section 10502.6, may take, for scientific purposes, any fish or specimen of marine plant life under the conditions prescribed by the department pursuant to Section 10502.6.

(e) This section does not prohibit the entry of state and local law enforcement officers, fire suppression agencies, and employees of the department in the performance of their official duties. This section does not prohibit or restrict navigation in the Dana Point Marine Life Refuge pursuant to federal law.

10711. The commission may close for the taking of clams not less than eight land miles of pismo clam bearing beaches within San Luis Obispo County as a clam refuge, but not more than 50 percent of any individual pismo clam bearing beach or beaches may be so closed at any time. The commission may from time to time vary the location of the closed and open portions of those beaches.

Before the commission closes, opens, or varies the location of the closed and open portions of pismo clam bearing beaches, one or more members of the commission shall hold in the county to be affected a public hearing, notice of which has been published at least once in a newspaper of general circulation, printed, and published in that county. The commission may determine which newspaper will be most likely to give notice to the inhabitants of the county, and its determination shall be final and conclusive. The commission may authorize any employee of the department in its place to hold the hearings, in which event a copy of a transcript of all proceedings taken or had at the hearing shall be furnished to each commissioner

at least five days before any regulation is made by the commission.

10801. The following constitutes the Pacific Grove Marine Gardens Fish Refuge:

All that area within the following boundaries as they existed April 1, 1963, not within the Hopkins Marine Life Refuge: Beginning at the point of intersection of the southeasterly corporate limit line of the City of Pacific Grove prolonged, and the line of mean high tide of the Bay of Monterey; thence northwesterly along said line of mean high tide to Point Pinos and continuing around said point in a westerly direction and continuing southwesterly along said line of mean high tide to the intersection with the southwesterly corporate limit line prolonged of said city; thence N. 70° 45' 00 W. along said southwesterly corporate limit line prolonged to a point in the Pacific Ocean where the depth of water in said ocean is sixty (60) feet measured from the level of mean low tide; thence northwesterly along the line in said ocean which line is at a constant depth of sixty (60) feet measured from the level of mean low tide to Point Pinos and continuing around said point in an easterly direction and continuing southeasterly along the line in said bay which line is at a constant depth of sixty (60) feet measured from the level of mean low tide, to the intersection with the southeasterly corporate limit line of said city prolonged; thence S. 58° 57' 45 W. along said southeasterly corporate limit line prolonged, to the point of beginning.

10900. The refuges described in the following sections are marine life refuges.

10901. That portion of District 16 consisting of the land and ocean waters within the following boundaries constitutes a marine life refuge and shall be designated the Hopkins Marine Life Refuge:

Beginning at the point of intersection of the southeasterly corporate limit line of the City of Pacific Grove prolonged, and the line of highest tide of the Bay of Monterey; thence northwesterly along said line of highest tide to the intersection with the northerly extension of the west side of Third Street in said city; thence northerly to a point in said bay where the depth of water is 60 feet measured from the level of mean low tide; thence southeasterly along the line in said bay which line is at a constant depth of 60 feet measured from the level of mean low tide to the intersection with the southeasterly corporate limit line of said city prolonged; thence S. 58° 57' 45 W. along said southeasterly

corporate limit line prolonged to the point of beginning.

10902. The following constitutes a marine life refuge and shall be designated the San Diego Marine Life Refuge:

That portion of District 19 consisting of that certain strip of land lying between the westerly edge of Pueblo Lot No. 1298 of the pueblo lands of the City of San Diego, according to the official map of said pueblo lands as made by James Pascoe, and filed in the Office of the County Recorder of said County of San Diego, and the lowest tide line opposite to and west of said pueblo lot, which said strip of land is bounded on the north by the northerly boundary line of said pueblo lot extended westerly and on the south by the southerly boundary line of said pueblo lot extended westerly; together with the state waters of the State of California adjacent thereto, being those state waters which lie between said extended northerly and southerly boundaries of said pueblo lot and extend westerly from said lowest low tide line for a distance of 1,000 feet.

10903. The following constitutes a marine life refuge and shall be designated the Bodega Marine Life Refuge:

That portion of District 10 consisting of that certain parcel of land bounded by the line of Mean High Tide of the Pacific Ocean lying between the northern boundary extended northwesterly and the southern boundary extended southwesterly of the lands of the Regents of the University of California according to the final order of condemnation in Case No. 47,617 in the Superior Court of the State of California in and for the County of Sonoma, recorded in Book 1930, at pages 656 and 659, inclusive, Official Records, Sonoma County, California, and extending into and including the state waters of the State of California for a distance of a thousand feet into the Pacific Ocean from the line of Mean High Tide.

10904. The following constitutes a marine life refuge and shall be designated as the Laguna Beach Marine Life Refuge:

That portion of District 19 consisting of that certain parcel of land bounded by a line commencing at the mean high tide of the Pacific Ocean lying on the northern boundary of the City of Laguna Beach and running for a distance of 600 feet into the Pacific Ocean along that boundary, and thence generally southeastward and generally parallel to the shoreline at a distance of approximately 600 feet to the northern boundary of the South Laguna Beach Marine Life Refuge, and thence generally northeastward for a distance of approximately

700 feet to the mean high tide, and thence generally northwestward along the line of mean high tide to the point of beginning.

10905. The following constitutes a marine life refuge and shall be designated as the Newport Beach Marine Life Refuge:

That portion of District 19 consisting of that certain parcel of land bounded by the line of Mean High Tide of the Pacific Ocean between the eastern boundary of the City of Newport Beach and Poppy Avenue in the City of Newport Beach, and extending into and including the state waters of the State of California for a distance of two hundred feet into the Pacific Ocean from the line of Mean High Tide.

10906. The following constitutes a marine life refuge and shall be designated as the South Laguna Beach Marine Life Refuge:

That portion of District 19 consisting of land and ocean waters bounded by a line commencing at the intersection of the line of mean high tide of the Pacific Ocean and a line which bears South 48° 50' 00 West from the most westerly point of Lot 75 of Tract No. 702, as that tract is shown on a map recorded in Book 21, pages 1 to 3, Miscellaneous Maps, on file in the Office of the County Recorder of Orange County; thence running South 48° 50' 00 West approximately 600 feet to the minus 20 foot mean lower low water contour; thence southeasterly and generally parallel to the shoreline to the northerly boundary of the Niguel Marine Life Refuge; thence North 35° 57' 06 East to the line of mean high tide of the Pacific Ocean; thence northwesterly along the line of mean high tide of the Pacific Ocean to the point of beginning.

10907. The following constitutes a marine life refuge and shall be designated as the Dana Point Marine Life Refuge:

That portion of District 19 consisting of land and ocean waters bounded by a line commencing at Station 70 of the mean high tide line as shown on Document Number 25208 recorded in Book 7651, page 69 of Official Records on file in the Office of County Recorder of Orange County; thence along the mean high tide line westerly and northerly 3500 feet more or less to intersection with a line which is 2440 feet south of and parallel to the north line of Fractional Section 21, R. 8 W., T. 8 S., S.B.M.'; thence west 1200 feet; thence southerly and easterly 1200 feet from and parallel to the shore line to an intersection with a line which bears S 40° 00' E. from said Station 70; thence N 40° 00' W. 1200 feet more or less to the point of beginning.

10908. The following constitutes a marine life refuge and shall be designated as the Doheny Beach Marine Life Refuge:

All that area lying 600 feet seaward of and below the mean high tide line of the Pacific Ocean between the prolongation of the line common to Blocks A and B of Tract No. 797, Capistrano Beach #3, in the County of Orange, State of California, as per map recorded in Book 25, pages 10 to 15, inclusive, of Miscellaneous Maps in the office of the County Recorder of such county, such line also being the prolongation of the easterly line of Doheny State Beach, a unit of the State Park System acquired by deed dated April 29, 1957, from the Union Oil Company of California, recorded on October 9, 1957, in Book 4063 of Official Records at page 88, Orange County, California, and the east breakwater of the Dana Point Harbor, a project of the Orange County Harbor District, a political subdivision of the State of California.

10909. The following constitutes a marine life refuge and shall be designated the James V. Fitzgerald Marine Reserve:

That portion of District 10 consisting of that certain parcel of land bounded by a line commencing at the mean high tide of the Pacific Ocean lying on a line beginning at the northeasterly corner of Lot 8, Block 42 as said Lot and Block are shown on "Map of Moss Beach Heights San Mateo County Cal", recorded May 4, 1908, in Volume 6 of Maps at page 8, records of San Mateo County; thence North 88° 49' West along the northerly line of said Lot 8 and its Northwesterly prolongation to the intersection thereof with the Westerly line of that certain tract of land (Parcel No. 1) conveyed to the County of San Mateo for a marine reserve, recorded August 8, 1967, in Volume 5346 Official Records of San Mateo County at page 62 (70483-AA) last mentioned intersection being the shoreline of the Pacific Ocean (ordinary high water) and the true Point of Beginning along the prolongation of the Northerly Line of said Lot 8, North 88° 49' West, 1000 feet, into the Pacific Ocean and thence generally Southerly and generally parallel to the shoreline for a distance of approximately three statute miles to the extension of a line beginning at the most Southerly terminus of Course No. 15 of the survey of the Rancho Corral de Tierra as shown on a Plat thereof on file in the Office of the Bureau of Land Management, U. S. Department of the Interior; said most Southerly terminus also being distant on said Course No. 15, South 28° 30' East 269.91 feet from the most Southerly corner of that certain 10.380 acre tract of land conveyed to the United States of America by Deed dated June 18, 1940, recorded October 28, 1940 in Book 918 of Official Records at page 373; running thence from said

point of beginning along a line that is the Southwesterly prolongation of Course No. 14 of said survey, South 74° 45' West to the shoreline of the Pacific Ocean (ordinary high water) and the true point of beginning of the least area herein described; thence from said true point of beginning along the prolongation of said Course No. 14, South 74° 45' West, 1000 feet into the Pacific Ocean, thence Easterly along said line to the mean high tide line, thence generally Northerly along the line of the mean high tide to the point of beginning.

10910. The following constitutes a marine life refuge and shall be designated as the Point Fermin Marine Life Refuge:

That portion of District 19 consisting of land and ocean waters bounded by the line of mean high tide of the Pacific Ocean extending into and including the state waters of the State of California for a distance of 600 feet below low-tide mark, in the San Pedro area of the City of Los Angeles in an area generally parallel to the shoreline lying between the easterly extension of 40th Street, westerly to the southerly extension of Gaffey Street at Point Fermin.

10911. The following constitutes a marine life refuge and shall be designated as the Niguel Marine Life Refuge:

That portion of California state tide and submerged lands bounded by a line commencing at a point which is the intersection of the line of mean high tide and a line which is 2,440 feet south of and parallel to the north line of Fractional Section 21, R.8W., T.8S., S.B.M., such point also being on the north boundary of the Dana Point Marine Life Refuge, thence along the mean high tide line northerly and westerly 12,000 feet more or less to its intersection with the westerly prolongation of the most northerly boundary line of lot 101 of "Three Arches Palisades No. 1" as shown on a map filed in book 3, page 3, Records of Surveys in the Office of the County Recorder, Orange County; thence, S. 89° 54' W. 1,200 feet from such point of intersection along the westerly prolongation of such northerly boundary line; thence, south and west, and east parallel to and 1,200 feet from the line of mean high tide to a point on the north line of Dana Point Marine Life Refuge and also being 1,200 feet west of the point of beginning; thence, east 1,200 feet along the northerly boundary of Dana Point Marine Life Refuge to the point of beginning.

10912. The following constitutes a marine life refuge and shall be designated as the Irvine Coast Marine Life Refuge:

That portion of California state tide and submerged lands adjoining the Newport Beach Marine Life Refuge as described in Section 10905 and bounded by a line beginning at the intersection of the southwesterly extension of lot 141, Tract No. 3357 as shown on a map recorded in Book 107, Page 1 of Miscellaneous Maps on file in the office of the County Recorder, Orange County and the Line of Ordinary High Tide; thence, southeasterly along the Line of Ordinary High Tide approximately 20,000 feet to its intersection with the southwesterly extension of the northwesterly boundary line of the City of Laguna Beach; thence, southwesterly along such southwesterly extension 600 feet; thence, northwesterly along a line parallel to and 600 feet southwesterly of the Line of Ordinary High Tide to the southwesterly extension of said lot 141; thence, northeasterly 600 feet along such southwesterly extension to the point of beginning.

10913. The land and ocean waters within the following boundaries constitute the City of Encinitas Marine Life Refuge:

All those submerged lands lying between the mean high tide line in the City of Encinitas, County of San Diego, State of California, and a line which is 600 feet westerly of and parallel and concentric with that mean high tide line and lying southerly of the westerly prolongation of the northerly right-of-way line of "D" Street as shown on Map No. 148, in the City of Encinitas, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County, and lying northerly of the following described line:

Beginning at the southeasterly corner of Lot N in Block 3 of Resubdivision of Sea Cliff Villa, in the City of Encinitas, County of San Diego, State of California, filed in the San Diego County Recorder's office, December 10, 1914; thence southwesterly along the southwesterly prolongation of the southeasterly line of said Lot N, South 36°36'30" west, to a point on that line which is 600 feet westerly of and parallel and concentric with the mean high tide line.

10932. The following constitutes a marine life refuge and shall be designated the Catalina Marine Science Center Marine Life Refuge:

All that area bounded on the south and southeast by the mean high tide line and by the present seaward boundary of the lease to tide and submerged lands now held by the University of Southern California from the State Lands Commission (No. 3692.1 Public Resources Code Series) and extending from a point on the mean high tide line at 33° 26' 39" North Latitude 118° 29' 19" West Longitude, thence to 33° 26'

50 North Latitude 118° 29' 08 West Longitude, thence to 33° 26' 57.5 North Latitude 118° 28' 33.5 West Longitude, thence to 33° 26' 55 North Latitude 118° 28' 32 West Longitude, and thence to a point on the mean high tide line at 33° 26' 53.5 North Latitude 118° 28' 35 West Longitude.

PUBLIC RESOURCES CODE

36600. This chapter shall be known, and may be cited, as the Marine Managed Areas Improvement Act.

36601. (a) The Legislature finds and declares all of the following:

(1) California's extraordinary ocean and coastal resources provide a vital asset to the state and nation. These resources are important to public health and well-being, ecological health, and ocean-dependent industries.

(2) The ocean ecosystem is inextricably connected to the land, with coastal development, water pollution, and other human activities threatening the health of marine habitat and the biological diversity found in California's ocean waters. New technologies and demands have encouraged the expansion of fishing and other activities to formerly inaccessible marine areas that once recharged nearby fisheries. As a result, ecosystems throughout the state's ocean waters are being altered, often at a rapid rate.

(3) California's marine managed areas (MMAs), such as refuges, reserves, and state reserves, are one of many tools for resource managers to use for protecting, conserving, and managing the state's valuable marine resources. MMAs can offer many benefits, including protecting habitats, species, cultural resources, and water quality; enhancing recreational opportunities; and contributing to the economy through such things as increased tourism and property values. MMAs may also benefit fisheries management by protecting representative habitats and reducing extractive uses.

(4) The array of state MMAs in California is the result of over 50 years of designations through legislative, administrative, and statewide ballot initiative actions, which has led to 18 classifications and subclassifications of these areas.

(5) A State Interagency Marine Managed Areas Workgroup was convened by the Resources Agency to address this issue, bringing together for the first time all of the state agencies with jurisdiction over these areas. This group's report indicates that California's state MMAs have evolved on a case-by-case basis, without conforming to any plan for establishing MMAs in the most effective way or in a manner which ensures that the most representative or

unique areas of the ocean and coastal environment are included.

(6) The report further states that California's MMAs do not comprise an organized system, as the individual sites are not designated, classified, or managed in a systematic manner. Many of these areas lack clearly defined purposes, effective management measures, and enforcement.

(7) To some, this array of MMAs creates the illusion of a comprehensive system of management, while in reality, it falls short of its potential to protect, conserve, and manage natural, cultural, and recreational resources along the California coast. Without a properly designed and coordinated system of MMAs, it is difficult for agencies to meet management objectives, such as maintaining biodiversity, providing education and outreach, and protecting marine resources.

(8) Agency personnel and the public are often confused about the laws, rules, and regulations that apply to MMAs, especially those adjacent to a terrestrial area set aside for management purposes. Lack of clarity about the manner in which the set of laws, rules, and regulations for the array of MMAs interface and complement each other limits public and resource managers' ability to understand and apply the regulatory structure.

(9) Designation of sites and subsequent adoption of regulations often occur without adequate consideration being given to overall classification goals and objectives. This has contributed to fragmented management, poor compliance with regulations, and a lack of effective enforcement.

(10) Education and outreach related to state MMAs is limited and responsibility for these activities is distributed across many state agencies. These factors hamper the distribution of information to the public regarding the benefits of MMAs and the role they can play in protecting ocean and coastal resources.

(11) There are few coordinated efforts to identify opportunities for public/private partnerships or public stewardship of MMAs or to provide access to general information and data about ocean and coastal resources within California's MMAs.

(12) Ocean and coastal scientists and managers generally know far less about the natural systems they work with than their terrestrial counterparts. Understanding natural and human-induced factors that affect ocean ecosystem health, including MMAs, is fundamental to the process of developing sound management policies.

(13) Research in California's MMAs can provide managers with a wealth of knowledge regarding habitat functions and values, species diversity, and complex physical, biological, chemical, and socioeconomic processes that affect the health of marine ecosystems. That information can be useful in determining the effectiveness of

particular sites or classifications in achieving stated goals.

(b) With the single exception of state estuaries, it is the intent of the Legislature that the classifications currently available for use in the marine and estuarine environments of the state shall cease to be used and that a new classification system shall be established, with a mission, statement of objectives, clearly defined designation guidelines, specific classification goals, and a more scientifically-based process for designating sites and determining their effectiveness. The existing classifications may continue to be used for the terrestrial and freshwater environments of the state.

(c) Due to the interrelationship between land and sea, benefits can be gained from siting a portion of the state's marine managed areas adjacent to, or in close proximity to, terrestrial protected areas. To maximize the benefits that can be gained from having connected protected areas, whenever an MMA is adjacent to a terrestrial protected area, the managing agencies shall coordinate their activities to the greatest extent possible to achieve the objectives of both areas.

36602. The following definitions govern the construction of this chapter:

(a) "Committee" is the State Interagency Coordinating Committee established pursuant to Section 36800.

(b) "Designating entity" is the Fish and Game Commission, State Park and Recreation Commission, or State Water Resources Control Board, each of which has the authority to designate specified state marine managed areas.

(c) "Managing agency" is the Department of Fish and Game or the Department of Parks and Recreation, each of which has the authority to manage specified state marine managed areas.

(d) "Marine managed area" (MMA) is a named, discrete geographic marine or estuarine area along the California coast designated by law or administrative action, and intended to protect, conserve, or otherwise manage a variety of resources and their uses. The resources and uses may include, but are not limited to, living marine resources and their habitats, scenic views, water quality, recreational values, and cultural or geological resources. General areas that are administratively established for recreational or commercial fishing restrictions, such as seasonal or geographic closures or size limits, are not included in this definition. MMAs include the following classifications:

(1) State marine (estuarine) reserve, as defined in subdivision (a) of Section 36700.

(2) State marine (estuarine) park, as defined in subdivision (b) of Section 36700.

(3) State marine (estuarine) conservation area, as defined in subdivision (c) of Section 36700.

(4) State marine (estuarine) cultural preservation area, as defined in subdivision (d) of Section 36700.

(5) State marine (estuarine) recreational management area, as defined in subdivision (e) of Section 36700.

(6) State water quality protection areas, as defined in subdivision (f) of Section 36700.

(e) "Marine protected area" (MPA), consistent with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) is a named, discrete geographic marine or estuarine area seaward of the mean high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law or administrative action to protect or conserve marine life and habitat. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs). MPAs include the following classifications:

(1) State marine (estuarine) reserve, as defined in subdivision (a) of Section 36700.

(2) State marine (estuarine) park, as defined in subdivision (b) of Section 36700.

(3) State marine (estuarine) conservation area, as defined in subdivision (c) of Section 36700.

36620. The mission of the state MMA system is to ensure the long-term ecological viability and biological productivity of marine ecosystems and to preserve cultural resources in the coastal sea, in recognition of their intrinsic value and for the benefit of current and future generations. In support of this mission, the Legislature finds and declares that there is a need to reexamine and redesign California's array of MMAs, to establish and manage a system using science and clear public policy directives to achieve all of the following objectives:

(a) Conserve representative or outstanding examples of marine habitats, biodiversity, ecosystems, and significant natural and cultural features or sites.

(b) Support and promote marine research, education, and science-based management.

(c) Help ensure sustainable uses of marine resources.

(d) Provide and enhance opportunities for public enjoyment of natural and cultural marine resources.

36700. Six classifications for designating managed areas in the marine and estuarine environments are hereby established as described in this section, to become effective January 1, 2002. Where the term "marine (estuarine)" is used, it means that either the word "marine" or "estuarine" is to be used, as appropriate for the geographic area being designated. A geographic area may be designated under more than one classification.

(a) A "state marine (estuarine) reserve" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

- (1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.
- (2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.
- (3) Protect or restore diverse marine gene pools.
- (4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.

(b) A "state marine (estuarine) park" is a nonterrestrial marine or estuarine area that is designated so the managing agency may provide opportunities for spiritual, scientific, educational, and recreational opportunities, as well as one or more of the following:

- (1) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.
- (2) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding representative or imperiled marine habitats or ecosystems.
- (3) Preserve cultural objects of historical, archaeological, and scientific interest in marine areas.
- (4) Preserve outstanding or unique geological features.

(c) A "state marine (estuarine) conservation area" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

- (1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.
- (2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.
- (3) Protect or restore diverse marine gene pools.
- (4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.

- (5) Preserve outstanding or unique geological features.
- (6) Provide for sustainable living marine resource harvest.
- (d) A "state marine (estuarine) cultural preservation area" is a nonterrestrial marine or estuarine area designated so the managing agency may preserve cultural objects or sites of historical, archaeological, or scientific interest in marine areas.
- (e) A "state marine (estuarine) recreational management area" is a nonterrestrial marine or estuarine area designated so the managing agency may provide, limit, or restrict recreational opportunities to meet other than exclusively local needs while preserving basic resource values for present and future generations.
- (f) A "state water quality protection area" is a nonterrestrial marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality, including, but not limited to, areas of special biological significance that have been designated by the State Water Resources Control Board through its water quality control planning process.

36710. The following classifications may not be inconsistent with United States military activities deemed mission critical by the United States military:

- (a) In a state marine (estuarine) reserve, it is unlawful to injure, damage, take, or possess any living geological, or cultural marine resource, except under a permit or specific authorization from the managing agency for research, restoration, or monitoring purposes. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state. Access and use for activities such as walking, swimming, boating, and diving may be restricted to protect marine resources. Research, restoration, and monitoring may be permitted by the managing agency. Educational activities and other forms of nonconsumptive human use may be permitted by the designating entity or managing agency in a manner consistent with the protection of all marine resources.
- (b) In a state marine (estuarine) park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial exploitation purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the designating entity or managing agency. All other uses are allowed, including scientific collection with a permit, research, monitoring, and public recreation, including recreational harvest, unless otherwise restricted. Public use, enjoyment, and

education are encouraged, in a manner consistent with protecting resource values.

(c) In a state marine (estuarine) conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes, that the designating entity or managing agency determines would compromise protection of the species of interest, natural community, habitat, or geological features. The designating entity or managing agency may permit research, education, and recreational activities, and certain commercial and recreational harvest of marine resources.

(d) In a state marine (estuarine) cultural preservation area, it is unlawful to damage, take, or possess any cultural marine resource.

Complete integrity of the cultural resources shall be sought, and no structure or improvements that conflict with that integrity shall be permitted. No other use is restricted.

(e) In a state marine (estuarine) recreational management area, it is unlawful to perform any activity that, as determined by the designating entity or managing agency, would compromise the recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted.

(f) In a state water quality protection area, point source waste and thermal discharges shall be prohibited or limited by special conditions. Nonpoint source pollution shall be controlled to the extent practicable. No other use is restricted.

36725. (a) The Fish and Game Commission may designate, delete, or modify state marine (estuarine) recreational management areas established by the commission for hunting purposes, state marine (estuarine) reserves, and state marine (estuarine) conservation areas. The Fish and Game Commission shall consult with, and secure concurrence from, the State Park and Recreation Commission prior to modifying or deleting state marine (estuarine) reserves and state marine (estuarine) conservation areas designated by the State Park and Recreation Commission. The Fish and Game Commission shall not delete or modify state marine (estuarine) recreational management areas designated by the State Park and Recreation Commission.

(b) The State Park and Recreation Commission may designate, delete, or modify state marine (estuarine) reserves, state marine (estuarine) parks, state marine (estuarine) conservation areas, state marine (estuarine) cultural preservation areas, and state marine (estuarine) recreational management areas. The State Park and

Recreation Commission may not designate, delete, or modify a state marine (estuarine) reserve, state marine (estuarine) park, or state marine (estuarine) conservation area without the concurrence of the Fish and Game Commission on any proposed restrictions upon, or change in, the use of living marine resources.

(c) If an unresolved conflict exists between the Fish and Game Commission and the State Park and Recreation Commission regarding a state marine (estuarine) reserve, state marine (estuarine) park, or state marine (estuarine) conservation area, the Secretary of the Resources Agency may reconcile the conflict.

(d) The State Water Resources Control Board may designate, delete, or modify state water quality protection areas.

(e) The Fish and Game Commission, State Park and Recreation Commission, and State Water Resources Control Board each may restrict or prohibit recreational uses and other human activities in the MMAs for the benefit of the resources therein, except in the case of restrictions on the use of living marine resources. Pursuant to this section, and consistent with Section 2860 of the Fish and Game Code, the Fish and Game Commission may regulate commercial and recreational fishing and any other taking of marine species in MMAs.

(f) (1) The Department of Fish and Game may manage state marine (estuarine) reserves, state marine (estuarine) conservation areas, state marine (estuarine) recreational management areas established for hunting purposes and, if requested by the State Water Resources Control Board, state water quality protection areas.

(2) The Department of Parks and Recreation may manage state marine (estuarine) reserves, state marine (estuarine) parks, state marine (estuarine) conservation areas, state marine (estuarine) cultural preservation areas, and state marine (estuarine) recreational management areas. Department authority over units within the state park system shall extend to units of the state MMAs system that are managed by the department.

(3) The State Water Resources Control Board and the California regional water quality control boards may take appropriate actions to protect state water quality protection areas. The State Water Resources Control Board may request the Department of Fish and Game or the Department of Parks and Recreation to take appropriate management action.

36750. Any MMA in existence on January 1, 2002, that has not been reclassified in accordance with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code), shall be reclassified under the classification system described in Section 36700 by January 1, 2003, based upon the management purpose and level of resource protection at each site on

January 1, 2002. Upon the reclassification of existing sites, but no later than January 1, 2003, the use of all other classifications shall cease for the marine and estuarine environments of the state, though the classifications may continue to be used for the terrestrial and freshwater environments where applicable. The reclassification process shall be the responsibility of the State Interagency Coordinating Committee established pursuant to Section 36800, and shall occur to the extent feasible in conjunction and consistent with the MMA master planning process created pursuant to the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code).

36800. The Secretary of the Resources Agency shall establish and chair the State Interagency Coordinating Committee, whose members are representatives from those state agencies, departments, boards, commissions, and conservancies with jurisdiction or management interests over marine managed areas, including, but not limited to, the Department of Fish and Game, Department of Parks and Recreation, California Coastal Commission, State Water Resources Control Board, and State Lands Commission. The Secretary of the Resources Agency shall designate additional members of the committee. The committee shall review proposals for new or amended MMAs to ensure that the minimum required information is included in the proposal, to determine those state agencies that should review the proposal, and to ensure consistency with other such designations in the state. The committee shall also serve to ensure the proper and timely routing of site proposals, review any proposed site-specific regulations for consistency with the state system as a whole, and conduct periodic reviews of the statewide system to evaluate whether it is meeting the mission and statement of objectives.

36850. Designation guidelines based on the classification goals adopted for the state system of MMAs shall be developed jointly by the appropriate managing agencies in cooperation with the committee on or before January 1, 2002. These guidelines shall be used to provide a general sense of requirements for designating a site in any particular classification, and may include characteristics such as uniqueness of the area or resource, biological productivity, special habitats, cultural or recreational values, and human impacts to the area. These designation guidelines shall be provided on a standard set of instructions for each classification.

36870. On or before January 1, 2002, the committee shall establish a standard set of instructions for each classification to guide organizations and individuals in submitting proposals for designating

specific sites or networks of sites. On or before January 1, 2003, the relevant site proposal guidelines shall be adopted by each designating entity.

(a) At a minimum, each proposal shall include the following elements for consideration for designation as an MMA:

- (1) Name of individual or organization proposing the designation.
- (2) Contact information for the individual or organization, including contact person.
- (3) Proposed classification.
- (4) Proposed site name.
- (5) Site location.
- (6) Need, purpose, and goals for the site.
- (7) Justification for the manner in which the proposed site meets the designation criteria for the proposed classification.

(8) A general description of the proposed site's pertinent biological, geological, and cultural resources.

(9) A general description of the proposed site's existing recreational uses, including fishing, diving, boating, and waterfowl hunting.

(b) The following elements, if not included in the original proposal, shall be added by the proposed managing agency in cooperation with the individual or organization making the proposal, prior to a final decision regarding designation:

- (1) A legal description of the site boundaries and a boundary map.
- (2) A more detailed description of the proposed site's pertinent biological, geological, cultural, and recreational resources.
- (3) Estimated funding needs and proposed source of funds.
- (4) A plan for meeting enforcement needs, including on-site staffing and equipment.
- (5) A plan for evaluating the effectiveness of the site in achieving stated goals.
- (6) Intended educational and research programs.
- (7) Estimated economic impacts of the site, both positive and negative.
- (8) Proposed mechanisms for coordinating existing regulatory and management authority, if any exists, within the area.
- (9) An evaluation of the opportunities for cooperative state, federal, and local management, where the opportunities may exist.

36900. Individuals or organizations may submit a proposal to designate an MMA directly through the committee or an appropriate designating entity. Proposals submitted to a designating entity shall be forwarded to the committee to initiate the review process. Proposals for designating, deleting, or modifying MMAs may be submitted to the committee or a designating entity at any time. The

committee and scientific review panel established pursuant to subdivision (b) shall annually consider and promptly act upon proposals until an MPA master plan is adopted pursuant to subdivision (b) of Section 2859 of the Fish and Game Code, and thereafter, no less than once every three years. Upon adoption of a statewide MPA plan, subsequent site proposals determined by the committee to be consistent with that plan shall be eligible for a simplified and cursory review of not more than 45 days.

(a) The committee shall review proposals to ensure that the minimum required information is included in the proposal, to determine those state agencies that should review the proposal, and to ensure consistency with other designations of that type in the state. After initial review by the coordinating committee and appropriate agencies, the proposal shall be forwarded to a scientific review panel established pursuant to subdivision (b).

(b) The Secretary of the Resources Agency shall establish a scientific review panel, with statewide representation and direction from the committee, to evaluate proposals for technical and scientific validity, including consideration of such things as site design criteria, location, and size. This panel, to the extent practical, shall be the same as the master plan team used in the process set forth in the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code). Members shall maintain familiarity with the types and effectiveness of MMAs used in other parts of the world for potential application to California. Members shall be reimbursed reasonable costs to participate in the activities of the panel. Where feasible, advice shall be sought from the appropriate federal agencies and existing regional or statewide marine research panels and advisory groups. After review by the scientific review panel, the committee shall forward the proposal and any recommendations to the appropriate designating entity for a public review process.

(c) Designating entities shall establish a process that provides for public review and comment in writing and through workshops or hearings, consistent with the legal mandates applicable to designating entities. All input provided by the committee and scientific review panel shall be made available to the public during this process. Outreach shall be made to the broadest ocean and coastal constituency possible, and shall include commercial and sport fishing groups, conservation organizations, waterfowl groups and other recreational interests, academia, the general public, and all levels of government.

(d) This process does not replace the need to obtain the appropriate permits or reviews of other government agencies with jurisdiction or permitting authority.

(e) Nothing in this section shall be construed as altering or impeding the process identified under the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) or the actions of the master plan team described in that act.

CALIFORNIA CODE OF REGULATIONS: TITLE 14

§630. Ecological Reserves.

The areas specified in this chapter have been declared by the Fish and Game Commission to be ecological reserves. A legal description of the boundaries of each ecological reserve is on file at the department's headquarters, 1416 Ninth Street, Sacramento. Ecological reserves are established to provide protection for rare, threatened or endangered native plants, wildlife, aquatic organism and specialized terrestrial or aquatic habitat types. Public entry and use of ecological reserves shall be compatible with the primary purposes of such reserves, and subject to the following applicable general rules and regulations, except as otherwise provided for in the special area regulations:

(a) General Rules and Regulations:

(1) Protection of Resources. No person shall mine or disturb geological formations or archeological artifacts or take or disturb any bird or nest, or eggs thereof, or any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life in an ecological reserve except as provided in subsections 630(a)(2) and (a)(8). The department may implement enhancement and protective measures to assure proper utilization and maintenance of ecological reserves.

(2) Fishing. Fishing shall be allowed in accordance with the general fishing regulations of the commission except that the method of taking fish shall be limited to angling from shore. No person shall take fish for commercial purposes in any ecological reserve except by permit from the commission.

(3) Collecting. No collecting shall be done in an ecological reserve except by permit issued pursuant to section 650 of these regulations. Any person applying for a permit must have a valid scientific collecting permit issued pursuant to part 3 of this title.

(4) Motor Vehicles. No person shall drive, operate, leave, or stop any motor vehicle, bicycle, tractor, or other type of vehicle in an ecological reserve except on designated access roads and parking areas.

(5) Swimming. No person shall swim, wade, dive, or use any diving equipment within an ecological reserve except as authorized under the terms of a permit issued pursuant to subsection (3).

(6) Boating. No person shall launch or operate a boat or other floating device within an ecological reserve except by permit from the commission.

(7) Trails. The department may designate areas within an ecological reserve where added protection of plant or animal life is desirable, and may establish equestrian or walking trails

or paths within such designated areas. No person shall walk or ride horseback in such areas except upon the established trails or paths.

(8) Firearms. No person shall fire or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within or into an ecological reserve or possess such weapons within an ecological reserve, except law enforcement personnel and as provided for in individual area regulations that allow for hunting.

(9) Ejection. Employees of the department may eject any person from an ecological reserve for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the ecological reserve or persons thereon is endangered.

(10) Public Entry. Public entry may be restricted on any area at the discretion of the department to protect the wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, may enter any ecological reserve, or portion thereof, which is closed to public entry. No person may enter any Ecological Reserve between sunset and sunrise except with written permission from the Department, which may be granted for purposes including night fishing in accordance with subsection (a)(2) from designated shore areas only. A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Elkhorn Slough and Upper Newport Bay ecological reserves except for users that possess a valid California sport fishing license hunting license or trapping license, or users that are under 16 years of age or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsection 550(b)(16)(B), Title 14, CCR, for regulations for fee requirements for wildlife areas.

(11) Introduction of Species. Unless authorized by the commission, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is prohibited. The department may reintroduce endemic species on ecological reserves for management purposes.

(12) Feeding of Wildlife. The feeding of wildlife is prohibited.

(13) Pesticides. The use of pesticides is prohibited on any ecological reserve unless authorized by the commission with the exception that the department may use pesticides for management purposes and for public safety.

(14) Litter. No person shall deposit, drop, or scatter any debris on any ecological reserve except in a receptacle or area designated for that purpose. Where no designated receptacles are provided, any refuse resulting from a person's use of an area must be removed from that area by such person.

(15) Grazing. The grazing of livestock is prohibited on any ecological reserve.

(16) Falconry. Falconry is prohibited.

(17) Aircraft. No person shall operate any aircraft or hovercraft within a reserve, except as authorized by a permit from the commission.

(18) Pets. Pets, including dogs and cats, are prohibited from entering reserves unless they are retained on a leash of less than ten feet or are inside a motor vehicle, except as provided for in individual area regulations that allow for hunting or training activities.

(19) Fires. No person shall light fireworks or other explosive or incendiary devices, or start or maintain any fire on or in any reserve, except for management purposes as provided in subsection (a)(1).

(20) Camping. No person shall camp on/in any ecological reserve.

(21) Vandalism. No person shall tamper with, damage or remove any property not his own when such property is located within an ecological reserve.

(b) Areas and Special Regulations for Use:

(1) Abalone Cove Ecological Reserve, Los Angeles County.

(A) Fishing is permitted for fin fish (those having vertebrae) only, from boats as well as from shore. Spear guns may be used for the taking of fin fish.

(B) Swimming, surfing, boating, skin and SCUBA diving are permitted.

(2) Albany Mudflats Ecological Reserve, Alameda County.

(3) Alkali Sink Ecological Reserve, Fresno County.

(A) Grazing is permitted under a permit from the department.

(4) Allensworth Ecological Reserve, Tulare County.

(A) Grazing shall be allowed under permit from the department.

(B) Hunting shall be permitted in accordance with general hunting regulations, but only at such times and in specific areas as designated by the department.

(5) Anacapa Island Ecological Reserve, Ventura County.

(A) Except as specifically prohibited under this section, boating, sport and commercial fishing, spearfishing, swimming and diving with underwater breathing apparatus are permitted within the ecological reserve which extends one mile from the nearest point of land of east, middle and west island(s) commonly referred to as Anacapa Island.

(B) A natural area is hereby established from the mean high tide mark seaward to a water depth of 10 fathoms (60 feet) on the north side of East Anacapa Island between a line extending 345 magnetic off the westernmost point and a line extending 75 magnetic off the easternmost point. It is unlawful to take or possess any native plant, fish, wildlife, aquatic organism or disturb any natural geological feature within the described natural area.

(C) No invertebrates may be taken from within the following areas:

1. The mean high tide mark to a water depth of 20 feet on the south side of West Anacapa Island between a line extending 145 magnetic off the National Park Service Monument at the southernmost point, adjacent to and excluding Cat Rock, and a line extending 220 magnetic off the National Park Service Monument at the easternmost point near Frenchy's Cove.

2. The mean high tide mark to a water depth of 20 feet on the north side of Middle Anacapa Island between a line extending 345 magnetic off the National Park Service monument at Key Hole Arch Point to a line extending 345 off the westernmost point of East Anacapa Island at the western boundary of the natural area off Anacapa Island.

(D) No net or trap may be used in waters less than 20 feet deep off the Anacapa Islands commonly referred to as Anacapa Island.

(E) A brown pelican fledgling area is designated from the mean high tide mark seaward to a water depth of 20 fathoms (120 feet) on the north side of West Anacapa Island between a line extending 345 magnetic off Portuguese Rock to a line extending 345 magnetic off the western edge of Frenchy's Cove, a distance of approximately 4,000 feet. No person

except as provided in subsection (a)(10), and employees of the National Park Service in the performance of their official duties shall enter this area during the period January 1 to October 31.

(F) No person shall fire or discharge any firearm or explosive devices, air or gas gun within the ecological reserve.

(G) Harvesting of kelp from within this reserve shall be prohibited except under a permit issued by the department.

(6) Apricum Hill Ecological Reserve, Amador County.

(A) No person, except as provided in subsection (a)(10), shall enter the reserve.

(7) Atascadero Creek Marsh Ecological Reserve, Sonoma County.

(8) Bair Island Ecological Reserve, San Mateo County.

(A) No person, except as provided in subsection (a)(10), shall enter this reserve during the period February 15 through May 20.

(B) Waterfowl shall be taken in accordance with the general waterfowl regulations.

(9) Baldwin Lake Ecological Reserve, San Bernardino County.

(A) All fishing is prohibited.

(B) Waterfowl and upland game hunting shall be allowed in accordance with the general hunting regulations. Waterfowl hunting shall be permitted from boats only, and in accordance with general waterfowl hunting regulations and pursuant to the provisions of Section 551, Title 14, CCR.

(C) Boating is permitted for the purpose of waterfowl hunting only. Boats may be launched and retrieved in designated areas only.

(10) Batiquitos Lagoon Ecological Reserve, San Diego County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purpose of the reserve.

(B) San Diego County, after consultation with the department, may carry out management activities necessary for fish and wildlife management, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

(11) Blue Ridge Ecological Reserve, Tulare County.

(A) Grazing shall be allowed under permit from the department.

(B) Hunting and trapping shall be permitted in accordance with the general hunting and trapping regulations, but only at such times and in specific areas as designated by the department. Trapping may only be done under permit from the department.

(12) Blue Sky Ecological Reserve, San Diego County.

(13) Bobelaine Ecological Reserve, Sutter County.

(A) No person, except as provided in subsection (a)(10), employees of the National Audubon Society or employees of the Department of Water Resources, in the performance of their official duties or those persons possessing written permission from the area manager, may enter the reserve for any purpose.

(B) All fishing is prohibited.

(C) The area manager may issue permits to conduct biological research projects and may restrict the use of boats, vehicles and other motorized equipment within the reserve. Such projects and use shall be compatible with the primary purposes of the reserve.

(D) The Audubon Society may carry out operation and management activities necessary for fish and wildlife management, flood control, vector control and public access. Authorized operation and maintenance activities shall include, but not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

(14) Boden Canyon Ecological Reserve, San Diego County.

(A) Upland game hunting shall be permitted in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

(15) Boggs Lake Ecological Reserve, Lake County.

(16) Bolsa Chica Ecological Reserve, Orange County.

(A) No person, except as provided in subsection (a)(10), or employees of Signal Corporation and its invitees, for the purposes of carrying out oil and gas operations, shall enter this reserve and remain therein except on established trails, paths or other designated areas.

(B) Fishing shall be permitted at designated areas around outer Bolsa Bay only.

(C) Horses are prohibited from entering the reserve.

(D) Pets are prohibited from entering the reserve except when they remain inside a motor vehicle.

(E) No person shall enter this reserve between 8:00 p.m. and 6:00 a.m.

(F) Motor vehicles are prohibited between 8:00 p.m. and 6:00 a.m.

(G) Vehicle parking is for reserve visitors' use only.

(H) The County of Orange, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(17) Bonny Doon Ecological Reserve, Santa Cruz County.

(18) Buena Vista Lagoon Ecological Reserve, San Diego County.

(A) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(B) Fishing is allowed until 12 midnight.

(19) Butler Slough Ecological Reserve, Tehama County.

(A) Livestock grazing may be allowed under permit from the department.

(B) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.

(20) Butte Creek Canyon Ecological Reserve, Butte County.

(A) Motor vehicle use in the Reserve is prohibited except by Department personnel, law enforcement officers or firefighters in response to public safety or health hazards.

(B) Horses are prohibited.

(C) Fishing by boat or other flotation device within the Reserve and in the main channel of Butte Creek is permitted only from February 1 through April 30. Only hand-carried boats or flotation devices may be launched and operated.

(D) The use, application or deposition in any form of toxic substances is prohibited unless authorized by the Commission.

(21) Butte Creek House Ecological Reserve, Butte County.

(A) Motor vehicle use is prohibited except by Department personnel, law enforcement officers, or firefighters in response to public safety or health hazards.

(B) The use, application or deposition in any form of toxic substances is prohibited unless authorized by the Commission.

(22) Buttonwillow Ecological Reserve, Kern County.

(A) Grazing may be allowed under permit from the department.

(B) Hunting may be permitted in accordance with general hunting regulations, but only at such times and in specific areas as designated by the department.

(23) By-Day Creek Ecological Reserve, Mono County.

(A) All fishing is prohibited.

(B) Hunting shall be permitted in accordance with general hunting regulations.

(24) Calhoun Cut Ecological Reserve, Solano County.

(A) No person, except as provided below and in subsection (a)(10), shall enter this reserve.

(B) Hunting for waterfowl is allowed only from a boat on waters of the main channel of Calhoun Cut and its tributaries, accessible only from Lindsey Slough and subject to the general hunting regulations and the provisions of subsection (a)(10), related to the protection of wildlife, aquatic life and habitat.

(C) Fishing is allowed only from a boat on waters of the main channel of Calhoun Cut and its tributaries, accessible only from Lindsey Slough and subject to the general sport fishing regulations and the provisions of subsection (a)(10), related to the protection of wildlife, aquatic life and habitat.

(D) Grazing may be allowed under permit from the Department.

(25) Canebrake Ecological Reserve, Kern County.

(A) Notwithstanding the provision of subsection (a)(15), grazing may be allowed under permit from the department.

(B) Firearms, archery equipment, and hunting dogs, either on leash or in a vehicle, may be possessed only by licensed hunters only at such times and in specific areas as designated by the department.

(C) Fishing may be allowed only in those specific areas designated by the department.

(D) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6), and (12), the department may issue permits to conduct biological or archaeological research. Such research shall be compatible with the primary purpose of the reserve.

(E) Notwithstanding the provisions of subsection (a)(18), only those animals assisting visually impaired or disabled persons are permitted.

(F) Notwithstanding the provisions of subsection (a)(7), equestrian use may be allowed, but only in specific areas designated by the department.

(26) Carlsbad Highlands Ecological Reserve, San Diego County.

(27) Carmel Bay Ecological Reserve, Monterey County.

(A) Sport fishing with hook and line, spear gun or hand-held implements shall be permitted from boats as well as from shore. No invertebrates may be taken, possessed or destroyed.

(B) Swimming, boating, surfing, skin and SCUBA diving are permitted.

(C) Within Stillwater Cove kelp may be removed at any time to allow the passage and mooring of boats between Pescadero Rocks and Arrowhead Point.

(D) If, at any time, the director of the department finds that the harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or tend to impair or destroy the supply of any food for fish or wildlife, the director shall serve on every person licensed to harvest kelp a 48-hour advance, written notice that the kelp bed, or a part thereof, will be closed to the harvesting of kelp for a period not to exceed one year. After service of such a notice the person upon whom notice is served may appeal to the commission for a hearing to reopen the kelp bed or part thereof.

(E) Not more than five percent (5%) of the total weight of kelp harvested in any one day shall consist of Nereocystis (bull kelp).

(F) Any licensed person or company intending to harvest kelp within the ecological reserve shall give the department's regional manager of the Marine Resources Region, or his designee, at least 48-hours oral notice of the intention to harvest. At the option of the department, an observer selected by the department may accompany the harvester during such a harvesting.

(G) Not more than 50 percent of the kelp within Bed 219 shall be harvested in any four-month period.

(28) Carrizo Canyon Ecological Reserve, Riverside County.

A) No person, except as provided in subsection (a)(10), and employees of the Bureau of Land Management in the performance of their official duties shall enter this reserve during the period June 15 to September 30.

(B) The County of Riverside may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

29) Carrizo Plains Ecological Reserve, San Luis Obispo County, including the Elkhorn Plain Unit.

A) Hunting shall be allowed in accordance with the general hunting regulations and only at such times and in such places as designated by the Department.

(B) Target shooting is permitted in designated areas.

(C) Notwithstanding the provisions of subsection (a)(15), grazing may be allowed under permit from the department.

(D) Notwithstanding the provisions on subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research or monitoring compatible with the purposes of the reserve.

(30) China Point Ecological Reserve, Siskiyou County.

(A) No person, except as provided in subsection (a)(10) and employees of the U.S. Forest Service in the performance of their official duties, shall enter this reserve during the period February 15 through July 31.

(B) Fishing shall be permitted from boats as well as from shore; boats may be launched and operated in the Klamath River.

(C) Hunting shall be allowed in accordance with the general hunting regulations and subject to subsection (30)(A) above.

(31) Clover Creek Ecological Reserve, Shasta County.

(A) Livestock grazing may be allowed under permit from the department.

(B) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.

(32) Coachella Valley Ecological Reserve, Riverside County.

(A) The Bureau of Land Management, the Fish and Wildlife Service and The Nature Conservancy may carry out management activities necessary for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

(33) Coal Canyon Ecological Reserve, Orange County.

(A) Hunting shall be permitted in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

(b) Method of take restrictions: Shotguns and archery equipment only.

(34) Coldwater Canyon Ecological Reserve, Ventura County.

(A) The existing travel corridor through the area is open to foot traffic only. All other areas are closed to public entry.

(35) Corral Hollow Ecological Reserve, San Joaquin County.

(A) No person, except as provided in subsection (a)(10), shall enter the reserve.

(36) Corte Madera Marsh Ecological Reserve, Marin County.

(A) Boating is permitted, except only lightweight hand-carried boats may be launched within the reserve.

(37) Crestridge Ecological Reserve, San Diego County.

(A) Non-motorized mountain biking may be allowed on designated roads during designated seasons as determined by the department. Closures may be implemented at the discretion of the department.

(38) Dairy Mart Ponds Ecological Reserve, San Diego County.

(A) San Diego County, after consultation with the department, may carry out management activities for vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and associated use of equipment.

(39) Dales Lake Ecological Reserve, Tehama County.

(A) Waterfowl hunting shall be permitted in accordance with the general waterfowl regulations per Section 502, Title 14, CCR.

(B) Livestock grazing may be allowed under permit from the department.

(C) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.

(40) Del Mar Landing Ecological Reserve, Sonoma County.

(A) Fishing is permitted for fin fish (those having vertebrae) only. Spear guns may be used for the taking of fin fish.

(B) Swimming, boating, skin and SCUBA diving are permitted.

(41) Del Monte Dunes Ecological Reserve, Monterey County.

(42) Eden Landing Ecological Reserve, Alameda County.

(43) Elkhorn Slough Ecological Reserve (National Estuarine Research Reserve), Monterey County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) Fishing shall be conducted from only those specific areas of the reserve designated by the department.

(C) Hunting shall be permitted in accordance with general hunting regulations, but only at such times and in specific areas as designated by the department.

(D) Grazing shall be allowed under permit from the department. The department may restrict the use of horses by grazing permittees.

(E) All designated public access trails are opened to foot access only.

(F) The causing of excessive noise especially that amplified electronically is prohibited.

(G) Picnicking shall be conducted in only those areas designated by the Department.

(44) Estelle Mountain Ecological Reserve, Riverside County.

(A) Upland game hunting shall be permitted in accordance with the general hunting regulations.

(45) Fagan Marsh Ecological Reserve, Napa County.

(A) Fishing shall be permitted from boats, as well as from shore; only lightweight hand-carried boats may be launched and operated.

(B) Swimming and diving are permitted.

(46) Fall River Mills Ecological Reserve, Shasta County.

(47) Farallon Islands Ecological Reserve, San Francisco County

(A) Subsections (a)(1) through (a)(21) do not apply.

(B) Except as specifically prohibited under this section, boating, sport and commercial fishing, swimming, and skin and SCUBA diving are permitted within the ecological reserve, which extends one nautical mile from the coastline of Southeast Farallon and North Farallon Islands.

(C) All vessels shall observe a five (5) nautical mile per hour speed limit within 1,000 feet of any shoreline in the reserve.

(D) All commercial abalone and sea urchin diving vessels operating in the reserve shall terminate their vessel engine exhaust system either through a muffler for dry exhaust systems, or below the vessel waterline for wet exhaust systems.

(E) All commercial abalone and sea urchin diving vessels equipped with an open, deck-mounted air compressor system, while operating in the reserve, shall have the air compressor's engine exhaust system terminate below the vessel waterline.

(F) From March 15 through August 15 of each year no vessel shall be operated or anchored less than 300 feet from the shoreline of any of the four islets comprising the North Farallons, including North Farallon, the Island of St. James and the two unnamed islets located between them, all as shown at about 37° 46' N, 123° 06' W on the 21st edition of NOAA chart 18645, dated August 11, 1990 and herein incorporated by reference, except in the area beginning at a line extending due west magnetic from the northernmost point of land on North Farallon and continuing clockwise to a line drawn due west magnetic from

the southernmost point of land on North Farallon and in the area beginning at a line drawn due west magnetic from the northernmost point of land on the northernmost of the two unnamed islets extending clockwise to a line drawn due south magnetic from the southernmost point of land on that islet.

(G) From March 15 through August 15 of each year no vessel shall be operated or anchored less than 300 feet from the shoreline in the area beginning at the south end of Jordan Channel, westward around Indian Head, then generally northward past Great Arch Rock, then generally following the shoreline to a line extending due west from the northernmost point of land on Sugarloaf Island or in the area from the east end of Mussel Flat, generally southward to the northeasternmost point of land on Saddle Rock (Seal Rock) then generally southwest along the northerly shoreline of Saddle Rock to the southwesternmost point of land on Saddle Rock and continuing generally northward to the west end of Mussel Flat, both areas at Southeast Farallon Island.

(H) Nothing in this section shall prohibit emergency anchorage or vessel operation necessary to protect property or human life.

(48) Farnsworth Bank Ecological Reserve, Los Angeles County.

(A) No purple coral (*Allopora californica*) or geological specimens may be taken.

(B) Subsections (a)(1) through (a)(21) do not apply.

(49) Fish Slough Ecological Reserve, Inyo and Mono counties.

(A) Fishing is prohibited within the 20-acre fenced and posted plot of land encompassing two spring areas and an artificial impoundment of 5.6 acres located in the northwest corner of that area known as "Fish Slough," northern Inyo and southern Mono counties.

(B) Hunting shall be allowed in accordance with the general hunting regulations.

(50) Fremont Valley Ecological Reserve, Kern County.

(51) Goleta Slough Ecological Reserve, Santa Barbara County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) No person, except as provided in subsection (a)(10) or designated employees of Santa Barbara Airport, City of Santa Barbara and Goleta Valley Mosquito Abatement District for the purposes of carrying out official duties shall enter this reserve and remain therein except on established trails, paths or other designated areas.

(C) No fishing shall be allowed except at designated areas.

(D) Horses are prohibited.

(E) The department, City of Santa Barbara and the Goleta Valley Mosquito Abatement District may carry out management activities necessary for fish and wildlife management and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, minor ditching for mosquito abatement when approved by department and use of associated equipment.

(52) Harrison Grade Ecological Reserve, Sonoma County.

(53) Heisler Park Ecological Reserve, Orange County.

(A) All fishing is prohibited.

(B) Swimming, boating and other aquatic sports are permitted. Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.

(54) Hidden Palms Ecological Reserve, Riverside County.
(A) No person, except as provided in subsection (a)(10), shall enter this reserve.

(55) Indian Joe Springs Ecological Reserve, Inyo County.
(A) Upland game hunting shall be permitted in accordance with the general hunting regulations.

(56) Joshua Creek Canyon Ecological Reserve, Monterey County.

(57) Kaweah Ecological Reserve, Tulare County.
(A) Grazing may be allowed only under permit from the department.
(B) Hunting shall be allowed in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.

(58) Kerman Ecological Reserve, Fresno County.
(A) Grazing may be allowed under permit from the Department.
(B) Hunting shall be permitted in accordance with general hunting regulations from July 1 through January 31. Only licensed hunters will be permitted to possess firearms. Shotguns only, discharging not larger than number 2 lead or size T steel shot, will be allowed on the area. Possession of firearms for other than law enforcement purposes will not be permitted on the area, except as provided herein.
(C) No plinking, firearms practice, or target shooting is allowed within the area.

(59) King Clone Ecological Reserve, San Bernadino County.

(60) Laguna de Santa Rosa Ecological Reserve, Sonoma County.

(61) Laguna Laurel Ecological Reserve, Orange County.

(62) Lake Mathews Ecological Reserve, Riverside County.
(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.
(B) No person except as provided in subsection (a)(10) and employees and consultants of Metropolitan Water District and member public agencies of the District, in the performance of customary reservoir maintenance activities or other official duties, may enter or utilize boats, aircraft or motor vehicles within this reserve.
(C) All fishing is prohibited.
(D) Collections may be made by the department for the purposes of fish and wildlife management, or by Metropolitan Water District for the purpose of water quality testing.
(E) The department and Metropolitan Water District may carry out management activities necessary to ensure water quality and the proper operation and maintenance of Lake Mathews as a water supply facility and natural area. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, rodent control and use of associated equipment.

(63) Limestone Salamander Ecological Reserve, Mariposa County.
(A) No person, except as provided in subsection (a)(10), shall enter this reserve.

(64) Little Butte Ecological Reserve, Mendocino County.

(65) Little Red Mountain Ecological Reserve, Mendocino County.

(66) Loch Lomond Vernal Pool Ecological Reserve, Lake County.

(67) Lokern Ecological Reserve, Kern County.
(A) Notwithstanding the provision of subsection (a)(15), grazing may be allowed under permit from the department.

(B) Hunting may be permitted in accordance with general hunting regulations only at such times and in specific areas as designated by the department.

(68) Macklin Creek Ecological Reserve, Nevada County.

(A) All fishing is prohibited.

(A) Hunting shall be allowed in accordance with the general hunting regulations.

(69) Magnesia Spring Ecological Reserve, Riverside County.

(A) No person, except as provided in subsection (a)(10), and employees of the City of Rancho Mirage in the performance of their official duties shall enter this reserve during the period June 15 to September 30.

(B) The County of Riverside may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(70) Marin Islands Ecological Reserve, Marin County.

(71) Mattole River Ecological Reserve, Mendocino County.

(72) McGinty Mountain Ecological Reserve, San Diego County.

(73) Moro Cojo Ecological Reserve, Monterey County.

(74) Morro Dunes Ecological Reserve, San Luis Obispo County.

(75) Morro Rock Ecological Reserve, San Luis Obispo County.

(A) No person shall enter into or upon this reserve for any purpose except as follows:

1. For the purpose of fishing and sightseeing, persons may enter upon that portion of Morro Rock between the low tide mark and a point ten (10) feet in elevation above the mean high tide mark.
2. Those persons provided for in subsection (a)(10), and employees of the Department of Parks and Recreation may enter the reserve in the performance of their official duties.

(76) Napa River Ecological Reserve, Napa County.

(A) Grazing is permitted under a permit from the department.

(B) No person, except as provided in subsection (a)(10), shall enter this reserve between sunset and sunrise.

(C) Swimming is permitted.

(D) The possession and/or consumption of alcoholic beverages is prohibited.

(77) Oasis Springs Ecological Reserve, Riverside County.

(A) All fishing is prohibited.

(B) Hunting shall be permitted in accordance with general hunting regulations.

(78) Offshore Rocks and Pinnacles, coastal counties.

(79) Otay Mountain Ecological Reserve, San Diego County.

(A) Hunting shall be allowed in accordance with the general hunting regulations and the Bureau of Land Management's Wilderness Area Restrictions.

(80) Panoche Hills Ecological Reserve, Fresno County.

(A) Grazing may be allowed under permit from the department.

(B) Hunting shall be permitted in accordance with general hunting regulations from July 1 through January 31. Only licensed hunters will be permitted to possess firearms.

(C) No plinking, firearms practice, or target shooting is allowed within the area.

(81) Peytonia Slough Ecological Reserve, Solano County.

(A) Fishing shall be permitted from boats as well as from shore.

- (B) Swimming, wading and diving shall be permitted within the reserve.
- (C) Boats may be operated within the reserve; however, only lightweight, hand-carried boats may be launched within the reserve.
- (82) Phoenix Field Ecological Reserve, Sacramento County.
 - (A) No person, except as provided in subsection (a)(10), shall enter this reserve.
- (83) Pine Hill Ecological Reserve, El Dorado County including the Salmon Falls Unit.
 - (A) No person, except as provided in subsection (a)(10), shall enter this reserve.
 - (B) No horses are permitted within the boundaries of the reserve.
- (84) Pismo Lake Ecological Reserve, San Luis Obispo County.
 - (A) All fishing is prohibited.
- (85) Piute Creek Ecological Reserve, San Bernardino County.
 - (A) Hunting shall be allowed in accordance with the general hunting regulations.
- (86) Pleasted Creek Ecological Reserve, San Diego County.
- (87) Pleasant Valley Ecological Reserve, Fresno County.
 - (A) Grazing may be allowed under permit from the department.
 - (B) Hunting may be permitted in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.
- (88) Point Lobos Ecological Reserve, Monterey County.
 - (A) All fishing is prohibited.
 - (B) Swimming, boating, and other aquatic sports are permitted. Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.
- (89) Quail Hollow Ecological Reserve, Santa Cruz County.
- (90) Quail Ridge Ecological Reserve, Napa County.
 - (A) No person, except as provided in subsection (a)(10) shall enter this reserve without permission from the department.
 - (B) Hunting will be permitted only as specially authorized hunts determined by the department.
- (91) Rancho Jamul Ecological Reserve, San Diego County.
 - (A) Controlled retriever training may be permitted within a designated area. This area shall be clearly posted.
 - (B) Hunting shall be allowed in accordance with the general hunting regulations, but only at such times and in specific areas as designated by the department.
- (92) Redwood Shores Ecological Reserve, San Mateo County.
 - (A) Fishing shall be permitted from boats as well as from shore; only lightweight, hand-carried boats may be launched and operated.
 - (B) Swimming, wading and diving shall be allowed within the ecological reserve.
 - (C) Bicycles are allowed along levee-top road system.
- (93) River Springs Lakes Ecological Reserve, Mono County.
 - (A) Hunting shall be permitted in accordance with the general hunting regulations.
- (94) Saline Valley Ecological Reserve, Inyo County.
 - (A) Hunting shall be allowed in accordance with the general hunting regulations.
- (95) San Bruno Mountain Ecological Reserve, San Mateo County.
- (96) San Diego-La Jolla Ecological Reserve, San Diego County.

(A) Commercial bait fishing for squid, only by use of hand-held scoop net, is authorized offshore west of a line drawn due north from Goldfish Point. All other forms of fishing are prohibited.

(B) Swimming, boating, and other aquatic sports are permitted. Boats may be launched and retrieved only in designated areas and may be anchored within the reserve only during daylight hours.

(97) San Dieguito Lagoon Ecological Reserve, San Diego County.

(A) Fishing shall be permitted from shore and from the Grand Avenue bridge.

(B) No person, except as provided in subsection 630(a)(10), shall be permitted on the California least tern nesting island.

(C) No person, except as provided in subsection 630(a)(10), shall enter this reserve between 8:00 p.m. and 5:00 a.m.

(D) The County of San Diego, after consultation with the department, may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(E) Collections of fish, wildlife, water and soil may be made by the Department for the purposes of fish and wildlife management or by San Diego County for the purposes of water quality testing and vector control.

(98) San Elijo Lagoon Ecological Reserve, San Diego County.

(A) Notwithstanding the provisions of subsections (a)(1), (3), (5), (6) and (12), the department may issue permits to conduct biological research projects within the reserve. Such projects shall be compatible with the primary purposes of the reserve.

(B) San Diego County, after consultation with the department, may carry out management activities for fish and wildlife management, flood control, vector control and regional park recreational activities. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control, minor ditching and use of associated equipment.

(C) Collections may be made by the department for purposes of fish and wildlife management or by San Diego County for the purpose of water quality testing and vector control.

(99) San Felipe Creek Ecological Reserve, Imperial County.

(A) Hunting shall be permitted in accordance with the general hunting regulations.

(100) San Joaquin River Ecological Reserve.

(A) No person shall enter into any unit of this reserve except as provided in subsection a(10), or as provided by written permission or by posted notice of the regional manager who will designate appropriate times and/or areas open to public use.

(B) The Department may carry out or cause to be carried out management activities for fish and wildlife, flood control, and vector control. Authorized operation and maintenance activities shall include, but not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.

(C) Boating is permitted, subject to the limitations of subsection (A) above. Except in the execution of law enforcement, emergency services, or official duties of department employees or contractors, only lightweight, hand carried, non-gasoline powered floating devices may be launched and operated from designated launching sites. The Regional

Manager or his designee may further restrict the use and operation of boats to protect the resource or provide for the orderly operation of recreational programs maintained on the area. Boating restrictions may include, but are not limited to, seasonal closures.

(D) Angling shall be permitted from boats as well as from shore, subject to the limitations in subsections (A) and (C), above.

(E) Subsection (a)(20) notwithstanding, late night or over-night use for camping and other purposes may be allowed subject to limitations in subsection (A) above.

(F) Subsection (a)(11) notwithstanding, the Department may, for management purposes, introduce or cause to be introduced nonendemic fish species which are naturalized in the San Joaquin River system, primarily to establish and maintain urban sport-fishing opportunities.

(G) Subsection (a)(17) shall not be construed to prohibit aircraft from operating within a normal flight pattern when taking off from or landing at the Sierra Skypark airport located approximately one-quarter mile south of the reserve.

(H) Grazing for vegetation management may be allowed under permit from the department.

(101) San Miguel Island Ecological Reserve, Santa Barbara County.

(A) Fishing is not permitted from shore or areas closed to boating. Recreational fishing with hook-and-line, spear gun or hand-held implements is permitted in other reserve waters. Commercial fishermen possessing abalone, lobster or sea urchin permits, using hook-and-line gear or trap gear for rock crab may fish in the reserve in areas open to boating. Commercial fishermen desiring to use other gear or seeking species not authorized by their permit must apply and obtain a permit in compliance with subsection (a)(2).

(B) Swimming, skin and SCUBA diving are permitted in all areas where boating is authorized.

(C) Boating is permitted except west of a line drawn between Judith Rock and Castle Rock where boats are prohibited closer than 300 yards from shore. Boats may be anchored overnight in the reserve only at Tyler Bight and Cuyler Harbor. Boats traveling within 300 yards of shoreline or anchorages shall operate with a minimum amount of noise and shall not exceed speeds of five miles per hour. Landing is allowed on San Miguel Island by permit only at the designated landing beach in Cuyler Harbor. No person, except as provided in subsection (a)(10) shall have access to all other offshore rocks and islands in the reserve.

1. Notwithstanding the 300-yard boating closure between Judith Rock and Castle Rock, the following shall apply:

a. Boats may approach no nearer than 100 yards from shore during the period(s) from March 15 through April 30, and October 1 through December 15; and

b. Boats operated by commercial abalone diving permittees and commercial sea urchin boat operators who have been issued permits by the department to take sea urchins from the Point Bennett area of San Miguel Island may enter any waters of the 300-yard area between Judith Rock and Castle Rock for the purpose of fishing abalone and sea urchins during the period(s) March 15 through April 30, and October 1 through December 15.

2. The department may rescind permission for boats to enter waters within 300 yards between Judith Rock and Castle Rock upon finding that impairment to the island marine

mammal resource is imminent. Immediately following such closure, the department will request the commission to hear, at its regularly scheduled meeting, presentation of documentation supporting the need for such closure.

(102) Santa Barbara Island Ecological Reserve, Santa Barbara County.

(A) Boating, sport and commercial fishing, spearfishing, swimming and diving with underwater breathing apparatus are permitted within the ecological reserve which extends one mile from the nearest point of the principal island of Santa Barbara.

(B) No invertebrates may be taken from the mean high tide mark seaward to a water depth of 20 feet on the eastern side of the island between a line extending 345 magnetic off the northernmost point of Arch Rock and a line extending 165 magnetic off the southernmost point.

(C) No net or trap may be used in waters less than 20 feet in depth off the eastern side of the island between a line extending 345 magnetic off the northernmost point of Arch Rock and a line extending 165 magnetic off the southernmost point of Santa Barbara Island.

(D) No person shall fire or discharge any firearm or explosive devices, air or gas gun within this reserve.

(E) Harvesting of kelp from kelp lease sites within the Santa Barbara Island Ecological Reserve shall be permitted.

(103) Santa Cruz Long-toed Salamander Ecological Reserve, Santa Cruz County.

(A) No person shall enter the reserve for any purpose except as follows:

1. Those persons provided for in subsection (a)(10), and employees of the departments of Parks and Recreation and Transportation in the performance of their official duties.

(104) Santa Rosa Plateau Ecological Reserve, Riverside County.

(A) Notwithstanding the provisions of subsection (a)(18), only those animals assisting visually impaired or disabled persons are permitted.

(B) Notwithstanding the provisions of subsection (a)(7), equestrian use shall be limited to docent-led tours.

(105) Springville Ecological Reserve, Tulare County.

(A) No person, except as provided in subsection (a)(10), shall enter between sunset and sunrise.

(106) Stone Corral Ecological Reserve, Tulare County.

(A) Notwithstanding the provision of subsection (a)(15), grazing may be allowed under permit from the department

(B) Hunting may be permitted in accordance with general hunting regulations only at such times and in specific areas as designated by the department.

(107) Sycamore Canyon Ecological Reserve, Riverside County.

(108) Sycuan Peak Ecological Reserve, San Diego County.

(109) Table Bluff Ecological Reserve, Humboldt County.

(A) Livestock grazing may be allowed under permit from the department.

(B) The department may carry out management activities for the preservation and expansion of the endangered western lily (*Lilium occidentale*). Authorized management activities may include, but not be limited to, controlled livestock grazing, controlled burning, chemical treatment and mechanical treatment.

(C) Except as provided in subsection (a)(10) no persons shall enter the fenced western lily area.

- (110) Theiller Sebastopol Meadowfoam Ecological Reserve, Sonoma County.
- (111) Thomes Creek Ecological Reserve, Tehama County.
- (A) Livestock grazing may be allowed under permit from the department.
- (B) The department may carry out management activities necessary for habitat preservation and management. Authorized operations and maintenance activities shall include, but not be limited to, controlled livestock grazing, controlled burning, and chemical and mechanical treatment with the use of associated equipment.
- (112) Tomales Bay Ecological Reserve, Marin County.
- (A) Waterfowl may be taken in accordance with the general waterfowl regulations.
- (B) Fishing shall be permitted from boats as well as from shore; only lightweight, hand-carried boats may be launched and operated.
- (C) Swimming, wading, and diving shall be allowed within the reserve.
- (D) The land area only of the reserve shall be closed to all entry from March 1 through June 30.
- (113) Upper Newport Bay Ecological Reserve, Orange County.
- (A) Fishing shall be permitted from boats as well as from shore.
- (B) Swimming is permitted only in that area bayward from North Star Beach to mid-channel.
- (C) Boating is permitted, except boats are limited to five miles per hour.
- (D) No person shall walk, or ride horseback except on established trails, paths, or other designated areas.
- (E) The County of Orange may carry out management activities for fish and wildlife, flood control and vector control. Authorized operation and maintenance activities shall include, but shall not be limited to, use of chemicals, vegetation control, water control and use of associated equipment.
- (114) Walker Canyon Ecological Reserve, San Diego County.
- (A) Hunting shall be allowed in accordance with the general hunting regulations.
- (115) Watsonville Slough Ecological Reserve, Santa Cruz County.
- (116) West Mojave Desert Ecological Reserve, San Bernardino County.
- (A) Hunting shall be permitted in accordance with the general hunting regulations from July 1 to January 31. Only licensed hunters shall be permitted to possess firearms.
- (B) No plinking, firearms practice or target shooting is allowed within the ecological reserve.
- (117) Woodbridge Ecological Reserve, San Joaquin County.
- (A) No person, except as provided in subsection (a)(10), shall enter this reserve.
- (D) The land area only of the reserve shall be closed to all entry from March 1 through June 30.
- (118) Yaudanchi Ecological Reserve, Tulare County.
- (A) Grazing is permitted under a permit from the department.
- (B) No person, except as provided in subsection (a)(10), shall enter this reserve between sunset and sunrise.
- (C) No person shall walk except on established trails, paths, or other designated areas.
- (D) Horses, except by written permission of the Department for the purpose of grazing, are prohibited.
- (119) Yorkville Ecological Reserve, Mendocino County.

§630.5. Marine Resources Protection Act Ecological Reserves.

The areas specified in this chapter have been declared by the Fish and Game Commission to be Marine Resources Protection Act ecological reserves (MRPA ecological reserves) pursuant to the authority of Article XB of the California Constitution. A legal description of the boundaries of each of the four ecological reserves is on file at the Department of Fish and Game Headquarters, 1416 Ninth Street, Sacramento. The four ecological reserves identified in this chapter are established to provide for scientific research related to the management and enhancement of marine resources. In this section, the term scientific research means scientific research related to the management and enhancement of marine resources.

(a) General Rules and Regulations:

(1) Protection of Resources. No person shall disturb geologic formations or archaeological artifacts or take or disturb any plant, animal, or habitat of any plant or animal within an MRPA ecological reserve except as authorized in conjunction with scientific research approved by the department. Prior to department approval of research proposed to be undertaken within an MRPA ecological reserve, such research shall be reviewed by the department, and by such other person(s) knowledgeable in marine resources as the Director may select. Any person(s) agreeing to assist with such review, shall do so without reimbursement.

(2) Conditioning Research. Scientific research approved within an MRPA ecological reserve may be conditioned by the department to avoid adverse effects to the reserve and other research underway within the reserve, and to assure that activities are compatible with the research purposes of the reserve and activities adjacent to the reserve.

(3) Fishing. No person shall fish within an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department.

(4) Collecting. No collecting shall be done in an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department. Any person collecting within an MRPA ecological reserve must have a valid scientific collecting permit issued pursuant to Subdivision 3 of this title commencing with Section 650.

(5) Swimming. No person shall swim, wade, dive, or use any diving equipment within an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department.

(6) Boating. No person shall launch or operate a boat or other floating device within an MRPA ecological reserve except to pass through the area during the normal course of vessel transit along the coast, to avoid inclement weather, or pursuant to scientific research approved by the department.

(7) Firearms. No person shall possess, fire, or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within, or into an MRPA ecological reserve except as authorized pursuant to scientific research approved by the department.

(8) Ejection. Employees of the department may eject any person from an MRPA ecological reserve for violation of any of these rules or regulations or for any reason when it appears

that the general safety or welfare of the ecological reserve, persons thereon, or scientific research being conducted in the reserve are endangered.

(9) Public Entry. Public entry into an MRPA ecological reserve may be restricted at the discretion of the department to protect wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, or institution or agency entering into a memorandum of understanding (MOU) with the department, may enter an area which is closed to public entry.

(10) Introduction of Species. The release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species into an MRPA ecological reserve, is prohibited unless authorized pursuant to scientific research approved by the department.

(11) Feeding of Wildlife. The feeding of fish or wildlife is prohibited except as authorized pursuant to scientific research approved by the department.

(12) Pesticides, Herbicides, and Other Regulated Chemicals. The use of pesticides, herbicides, and other regulated chemicals is prohibited in MRPA ecological reserves except as authorized pursuant to scientific research approved by the department. Where such chemicals are intended to be used as a part of any research program, any necessary authorization and/or permits required to dispense such chemicals into state waters or tide and submerged lands shall be obtained prior to final approval of the research by the department.

(13) Litter. No person shall deposit, drop, or scatter any debris on any MRPA ecological reserve. Any refuse resulting from a person's use of an area must be removed from that area by such person.

(14) Aircraft. No person shall operate any aircraft or hovercraft within an MRPA ecological reserve, except as authorized pursuant to scientific research approved by the department.

(15) Pets. Pets, including but not limited to, dogs and cats, are prohibited from entering an MRPA ecological reserve unless authorized by the department.

(16) Falconry. Falconry is prohibited.

(17) Memorandum of Understanding (MOU). The department may enter into MOU's with colleges, universities, and other bonafide research organizations, including Vandenberg Air Force Base (VAFB), to conduct marine-related research within an MRPA Ecological Reserve.

(b) Areas and Special Regulations for Use:

(1) King Range (Punta Gorda) MRPA Ecological Reserve, Humboldt County.

(A) Scientific research conducted within the King Range MRPA Ecological Reserve shall not interfere with access by land to coastal trails along the shoreline adjacent to the reserve.

(2) Big Creek MRPA Ecological Reserve, Monterey County.

(A) The Department shall only approve research within the Big Creek MRPA Ecological Reserve which is compatible with research underway within the reserve area prior to its establishment by the commission, such research compatibility to be determined by contacting the Reserve Manager for the Landels-Hill Big Creek Reserve prior to authorizing research within the reserve.

(3) Vandenberg MRPA Ecological Reserve, Santa Barbara County.

(A) The department shall enter into a Memorandum of Understanding (MOU) with the Commander of Vandenberg Air Force Base for the management and administration of the Vandenberg MRPA Ecological Reserve. The MOU shall include all uses necessary and compatible with the Vandenberg Air Force Base's national defense mission.

(4) Big Sycamore Canyon MRPA Ecological Reserve, Ventura County.

(A) The department shall notify the California Department of Parks and Recreation of scientific research approved within the Big Sycamore Canyon MRPA Ecological Reserve.